Credit-deposit ratio in Orissa

219. SHRI BASUDEB MOHAPATRA : Will the Minister of FINANCE be pleased to state :

(a) whether it is a fact that Credit-deposit ratio in Orissa is below the all India average at the end of 1988;

(b) whether any specific steps have been taken to improve the situation; and

(c) if so, what are the details thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO) : (a) No, Sir. As per information available from Reserve Bank of India, as at the end of September, 1988 the Credit Deposit Ratio of All Scheduled Commercial Banks in the State of Orissa at 87.8 percent was far above the all-India average of 60.5 percent.

(b) and (c) Do not arise.

Recovery of income tax dues from Chairman, Indian Express

220. SHRI SATYA PRAKASH MALAVIYA : Will the Minister of FINANCE be pleased to refer to the answer to Unstarred Question 816 given in the Rajya Sabha on the 17th November, 1988 and state :

(a) whether it is a fact that so far no amount has been collected out of income-tax demands in the case of Shri Ram Nath Goenka, Chairman, Indian Express for the years 1981-82 and 1984-85; and

(b) if so, what are the reasons therefor and what action Government propose to take to recover the same?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA) : (a) Yes, Sir.

(b) The demand for assessment year 1984-85 is disputed in appeal. In respect of the demand for 1981-82 garnishee notices requiring thirteen debtors (including banks) of Shri Goenka to pay amounts due to him, directly to the Income-tax Department have been issued.

Show cause notice issued to M/s. Traders Pvt. Ltd.

221. SHRI SATYA PRAKASH MALAVIYA :
SHRI BEKAL UTSAHI :
Will the Minister of COMMERCE be pleased to refer to the answer to Unstarred Question 1608 given in the Rajya Sabha on the 5th May, 1987 and state :

(a) whether it is a fact that a show cause notice has been issued to M/s. Traders Pvt. Ltd., as to why they should not be debarred from importing any goods, from receiving any import licences/CCPs and from allotment of imported goods through STC/MMTC or from any other similar agency; and

(b) if so, whether the said party has replied to the show cause notice and if not, what are the reasons therefor and what steps Government propose to take in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. R. DAS MUNSHI) : (a) Yes, Sir.

(b) M/s. Traders Pvt. Ltd., have replied to the show cause notice.

Earnings from exports

222. SHRI PARVATHANENI UPENDRA : Will the Minister of COMMERCE be pleased to state :

(a) what are the anticipated earnings from exports during the current financial year;

(b) whether the targetted export earnings are likely to be achieved; and

(c) if not, what are the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. R. DAS MUNSHI) : (a) to (b) According to the provisional figures, India's exports during the first nine months of the current financial year i.e. April-December 1988 amounted to Rs. 13926.68 crores as compared to Rs. 11197.41 crores during April-December 1987, thereby showing an increase of 24.4 percent. It is not possible to precisely estimate the export earnings for the entire financial year at this state. However, it is expected that the export target of Rs. 18795 crores fixed for the financial year 1988-89 is likely to be achieved.

(c) Does not arise.

Toy Industry

223. SHRI PARVATHANENI UPENDRA : Will the Minister of COMMERCE be pleased to state :

(a) whether the toy industry in country is suffering for want of adequate support in the form of an Export Promotion Council; and

(b) if so, what steps Government have taken to increase the export of toys?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. R. DAS MUNSHI) : (a) and (b) No, Sir. The Engineering Export Promotion Council is the registering authority for export of electro-mechanical toys and the Plastics and Linoleum Export Promotion Council is the registering authority for plastic toys.

Financial relation between the Union and the States

224. SHRI PARVATHANENI UPENDRA : Will the Minister of FINANCE be pleased to state :

(a) whether six Chief Ministers of States met in Calcutta on January 28, 1989 and suggested a number of measures for improving the financial relation between the Union and the States; and

(b) if so, what is the response of the Central Government to the suggestions?

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI) : (a) and (b) The Chief Ministers of six States are reported to have met at Calcutta on 28.1.1989 and made a number of suggestions regarding Centre-States relations. These suggestions have been noted.

Notices to cigarette, compapies for Payment of excise duty

225. SHRI PARVATHANENI *UPENDRA : Will the Minister of* FINANCE be pleased to state :

(a) whether notices were issued to four cigarette companies with a demand for payment of Rs. 1800 crores towards excise duty;

(b) whether it is a fact that the Law Ministry has prescribed a new method of calculation of excise duty which raises the demands several times, which the cigarette companies feel are beyond their paying capacity; and

(c) if so, what is the final decision taken by Government in the matter?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA) : (a) show cause notices alleging evasion to the tune of over Rs. 2200 crores have been issued to four cigarette companies namely, M/s. I.T.C. Ltd., M/s. G.T.C. Industries Ltd., M/s N.T.C. Ltd., and M/s. Godfrey Phillips (India) Ltd. and their job workers, which are pending adjudication.

(b) and (c) Yes, Sir. The Law Ministry have given their opinion in respect of two major issues which would result in raising the existing demands several times. How-

ever, considering the complexity of the issues involved and their attendant repercussion, the matter has been referred to the Attorney-General of India for his learned opinion. A final decision would be taken by the Government in this matter only after receipt of the opinion of the Attorney-General of India.

Incentives to Indians living abroad to invest in India

226. SHRI CHITTA BASU : Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that Government offered various tax incentives and schemes to woo Indian businessmen and professionals living abroad, to invest in this country, since the beginning of this decade;

(b) if so, what are the details of those incentives and schemes; and

(c) what is the total investment so far made by them in India?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) and (b) Govt. have introduced, since 1982, several schemes for attracting investments from NRIs/ persons of Indian origin resident abroad. These include investments, both on repatriation and non-repatriation basis, in equity shares of Indian companies, Bank Accounts, Government Securities, Units of Unit Trust of India, National Savings Certificates etc. A new scheme of foreign currency denominated Bonds for Non-Resident Indians, on a non-repatriation basis, has also been introduced.

In case of Non-Resident Indians who are individuals, income from interest on bank deposits in any bank in India, dividends from units of the UTI, and interest on National Savings Certificates are exempt from income tax. For this purpose, such deposits, units and National Savings Certificates should be subscribed to in convertible foreign exchange remitted from abroad. Besides, the investment income from other "specified foreign exchange assets" acquired or subscribed to in convertible foreign exchange are charged to tax at a flat rate of 20%. Long term capital gains arising on transfer of such assets are also taxed at a flat rate of 20%. These investments are exempt from wealth-tax and gift tax, if gifts of such assets are made to close relative in India.

(c) The total investment made in India, by Non-resident Indians, since April, 1982 till 31st December, 1988 is as follows:-

(Rupees in Crores)

(i) Direct Investment (Proposals approved)	1454.42
(ii) Portfolio Investment (Actual Purchases of shares/Debentures)	71.72

Export of Coffee and Tea

227. DR. YELAMANCHILI SIVAJI : Will the Minister of COMMERCE be pleased to state:

(a) the quantity and value of coffee and tea, separately, exported yearwise from 1980 to 1988;

(b) the share of public sector agencies in the above exports;

(c) whether our public sector agencies have achieved a dominant role in the export of these two commodities since out tea and coffee were graded and standardised and accepted world-wise; and

(d) if not, what are the reasons for leaving the field mostly to private companies?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI): (a) The quantity and value of Coffee and Tea exports during 1980-81 to 1987-88 is as under:—

(Qty. in M. Kgs.)
Value in Rs. Crores

Year	COFFEE Qty.	COFFEE Value
1980-81	89.27	215.77
1981-82	83.82	166.68
1982-83	83.82	203.54
1983-84	71.18	177.07
1984-85	68.90	209.69
1985-86	99.30	274.98
1986-87	86.67	362.82
1987-88	92.53	260.10
	TEA	
1980-81	231.73	453.27
1981-82	224.20	406.82
1982-83	194.09	369.44
1983-84	202.31	557.55
1984-85	217.40	771.39
1985-86	222.92	674.25
1986-87	200.04	615.00
1987-88	207.57	621.18

(b) The exports of Coffee and Tea by various Public Sector Undertakings namely M/s. Tea Trading Corporation of India Ltd., M/s. Balmer Lawrie, M/s. State Trading Corporation of India, M/s. Andrew Yule and M/s. Minerals & Metals Trading Corporation of India Ltd. during the last three years has been as under:-

(Qty. in M. Kgs.)

	1985-86	1986-87	1987-88
COFFEE			
STC	14.64		N.A.
MMTC	0.30		N.A.
	15.81		
	2.06		
TEA			
T.T.C.I.	6.14	3.40	3.54
Balmer Lawrie	2.63	2.67	3.19
STC	9.41	3.91	6.57
Andrew Yule	0.12	0.10	0.08

(c) and (d) The involvement of public Sector in Coffee and Tea exports is not as old as of the private sector. The Public Sector Undertakings engaged in Exports of Coffee and Tea are continuing their efforts to enhance their exports.

Unlike in the case of tea Coffee Board (a statutory body) directly undertakes marketing of coffee and the export strategy in coffee comprises of direct sales by the Coffee Board and its effective combination with sales through private exports. The share of exports by Coffee Board as a total percentage of exports for the country during the last 3 years (1985-86—1987-88) has ranged between 53% to 67%.

Busting of a Gang Engaged in Wrongfully Claiming 'Duty Drawback'

228. DR. YELAMANCHILI SIVAJI : Will the Minister of FINANCE be pleased to state:

(a) Whether it is a fact that Customs authorities have apprehended some cheats for 'wrongfully claiming duty drawbacks' of the order of Rs. 7 lakhs by producing forged documents;

(b) If so, what are the details in this regard; and

(c) what steps Government contemplate to stop such unsocial activities by unscrupulous parties?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) and (b) Yes, Sir. One case each was detected in the past few months by Bombay and Delhi Custom Houses where wrongful claims of duty drawback by producing forged documents was attempted. At Bombay a firm in the name and style of M/s. Suraj Exports had presented forged copies of shipping and related documents for three consignments involving total drawback of Rs. 6,04,300 in October/November, 1988 without effecting any exports. The fraud was detected when on suspicion about the genuineness of the claim, enquiries were carried out by Special Investigation and Central Intelligence Units of the Custom House. A partner of the firm was apprehended and detained. Further investigations are being carried out about the modus operandi, persons involved, etc.

At Delhi, in a somewhat similar case detected in June, 1988, a firm M/s. United Craft International of Delhi had claimed fraudulently Rs. 5,25,047 as drawback on forged documents. But when another similar claim for Rs. 1,37,288 was presented, on doubts about its bonafides enquiries were conducted, when the forged nature of the documents came to light. Two persons connected with the fraudulent claims were arrested and a criminal complaint against them has been filed.

(c) All Custom Houses have been alerted and the modus operandi adopted in these cases brought to their notice. Custom Houses have also been asked to immediately plug the loopholes in the existing procedure to enable quick detection of any attempt of fraud. Severe and deterrent action in both departmental adjudication and in courts of law will be taken, as appropriate, against the persons involved.

Export of leather products

229. DR. YELAMANCHILI SIVAJI : Will the Minister of COMMERCE be pleased to state:

(a) the yearwise and destinationwise exports, along with the quantity and value, of shoe uppers and all other leather semi-finished products, separately from 1980-81 to 1988-89;

(b) whether it is a fact that certain foreign countries are importing the shoe uppers from India making payments in rupees under bilateral arrangements and thereafter earning hard currency by re-exporting such goods to countries like West Germany; and

(c) if so, what precautions are being taken to prevent such misuse of bilateral trade?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. R. DAS MUNSHI): (a) The information is being collected and will be laid on the Table of the House.

(b) and (c) The Trade Agreements with Rupee Payment Area countries provide that all goods exported to them from India shall not be re-exported to any other country.

Bank advances given to the rural sector

230. DR. YELAMANCHILI SIVAJI : Will the Minister of FINANCE be pleased to state:

(a) whether there are reports that compared to the urban sector, the rural sector is given less percentage of bank advances against the deposits made by the sector in public sector banks and that rural deposits are thus diverted for giving disproportionate advances to the urban sector; and

(b) if so, what are the details of deposits and advances of public sector banks in relation to rural and urban sectors separately for the period 1980 to

1988 yearwise and to what extent the above reports are justified?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) The details of deposits, advances and credit: deposit ratio of public sector banks in respect of rural and urban areas are set out below, which indicate that over a period of years the gap between credit deposit ratio of rural and urban sector has been narrowed down.

(Amount in Rs. crores)

Year	Deposit	Credit	C:D Ratio (%)
RURAL SECTOR			
1980	4182	2288	54.7
1981	5330	3058	57.4
1982	6582	3747	56.9
1983	7771	4471	57.5
1984	8457	5166	61.1
1985	10363	6144	59.3
1986	12435	7523	60.5
1987	15032	8836	58.8
1988* (September)	16340	9543	58.4
URBAN SECTOR			
1980	29429	20109	68.3
1981	34899	24109	69.1
1982	40768	28223	69.2
1983	47812	32320	67.6
1984	58550	38824	66.3
1985	67334	43758	65.0
1986	80080	49257	61.5
1987	92170	54686	59.3
1988	101254	59208	58.5

*Data are provisional

Difficulties being faced by small investors in selling shares in joint stock companies

231. DR. YELAMANCHILI SIVAJI : Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that lack of enough facilities to sell odd lots of shares in joint stock companies is causing great hardship to small investors; if so, what steps are being taken to redress this situation;

(b) whether some general insurance companies have been authorised to buy such lots; if so, what are the names and addresses of the offices of such companies which accept such lots;

(c) what are the reasons for which these insurance companies are not giving wide press publicity in this regard to help small investors; and

(d) whether it is a fact that no press advertisements were issued so far by these companies at least in South India?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) Considering the problems faced by small investors, Stock Exchanges as well as some institutions have initiated special facilities for trading in odd lots of securities.

(b) The four subsidiaries of the General Insurance Corporationm namely (1) New India Assurance Co. Ltd., 87, Mahatma Gandhi Road, Fort, Bombay-400023, (2) Oriental Insurance Co. Ltd. Oriental House, Asaf Ali Road, New Delhi-110002; (3) United India Insurance Co. Ltd., 24, Whites Road, Madras-600014 and (4) National Insurance Co. Ltd. 3, Middleton Street, Calcutta-700071, have been authorised to buy odd lots of shares. These subsidiaries are at present operating a scheme for purchase of odd lots of shares.

(c) and (d) Press advertisements have been issued in regard to the schemes referred to above. Since the schemes have been started only very recently, suitable adequate press publicity will now be organised by the Insurance Companies.

Naxalite movement in Andhra Pradesh

232. SHRI V. NARAYANASAMY : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Naxalite movement has intensified in Andhra Pradesh during the last few years;

(b) whether it is also a fact that in Rajpura village in Adilabad district, policemen were massacred by the Naxalites;

(c) whether it is also a fact that these Naxalites were given weapons by LTTE militants; and

(d) what steps Government are taking to control the Naxalite movements in Andhra Pradesh?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS: (SHRI P. CHIDAMBARAM): (a) and (b) Yes, Sir.

(c) There is no confirmed information in this regard.

(d) Primarily this is the concern of the State Government. However, the Central Government is also rendering all possible assistance to the State Government in the form of additional para military forces, provision of training facilities for State Police personnel, improved communication facilities etc.

Recommendations of the Committee Appointed by the Gujarat Government on Textile Industry

233. SHRI SHANKER SINH VAGHELA:
SHRI PRAMOD MAHAJAN:

Will the Minister of TEXTILES be pleased to state:

(a) what are the thrust areas identified by the Committee appointed by the Gujarat Government to go into the problems of textile industry; and

(b) what steps have been taken on the recommendations of the committee and with what results?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRI RAFIQUE ALAM): (a) The Report of the Committee appointed by the Govt. of Gujarat on Textile Industry had identified the following three thrust areas:

(i) Reducing the risk of further closure of mills and reopening of units which can be made viable;

(ii) Payment of legal dues and other reliefs to workers who have lost their jobs;

(iii) Creating alternative sources of employment.

(b) The recommendations of the Committee have been examined for appropriate action. In some cases they have already been acted upon whereas in some others they have not been found acceptable. Recommendations concerning other Ministries have been taken up by the State Government with the concerned Ministries. In some cases action has to be taken by the State Government themselves.

गंगा कार्य योजना के अन्तर्गत मुख्य दिशा परिवर्तन और पंपिंग स्टेशन की योजनाओं का पूरा किया जाना

234. **श्री सत्य प्रकाश मालवीय** : क्या **पर्यावरण और वन** मंत्री 3 नवम्बर, 1988 को राज्य सभा में अतारांकित प्रश्न 157 के दिए गए उत्तर को देखेंगे और यह बताने की कृपा करेंगे कि :

(क) क्या गंगा कार्य योजना के अन्तर्गत गऊघाट, चाचर नाला और घाघर नाला सम्बन्धी मुख्य दिशा परिवर्तन और पंपिंग स्टेशन की योजनाएं पूरी हो गई हैं; और

(ख) यदि हां, तो उनका ब्यौरा क्या है और यदि नहीं, तो उसके क्या कारण हैं?

पर्यावरण और वन मंत्री (श्री जैड॰ आर॰ अंसारी): (क) गऊघाट के सीवेंज पंपिंग स्टेशन संबंधी दिशा-परिवर्तन और नवीकरण, चाचर नाले से संबंधित अपशिष्ट जल का अवरोधन और सीवेज पंपिंग स्टेशन का निर्माण तथा घाघर नाले के अपशिष्ट जल का अवरोधन और दिशा-परिवर्तन कार्य पूरे हो चुके हैं।

(ख) गऊघाट के पंपिग स्टेशन संबंधी दिशा-परिव र्तन नवीकरण में ये कार्य सम्मिलित हैं: दिशा-परिवर्तन चैंबरों, स्क्रीन चैंबर, पंपिंग स्टेशन, पंपिंग संयंत्र, अवरोधक सीवर और राइजिंग मेन आदि का निर्माण। 5 पंप स्थापित किए जा चुके हैं। इसमें से प्रत्येक की क्षमता प्रति मिनट 37,000 लीटर है। पंपिंग स्टेशन की अब शिखर प्रवाह (पीक फ्लो) के समय प्रतिदिन 16 करोड़ लीटर मलजल पंप करने की क्षमता है। इन कार्यों की अनुमानित लागत 312 98 लाख रुपये है।

चाचर नाले से संबंधित दिशा-परिवर्तन कार्यों में ये सम्मिलित हैं : नाला नियंत्रण, नाला अवरोधन, पंपिंग स्टेशन का निर्माण, पंपिंग संयंत्रों की व्यवस्था, राइजिंग मेन और सीवर बिछाना आदि। प्रत्येक 3500 लीटर प्रति मिनट की क्षमता वाले 3 पंपों की शिखर प्रवाह के लिए और प्रत्येक 1750 लीटर प्रति मिनट की क्षमता वाले 2 पंपों की व्यवस्था की गई है। स्कीम की सस्वीकृत अनुमानित लागत 113.93 लाख रुपये है।

घाघर नाले के दिशा-परिवर्तन कार्यों मे ये सम्मिलित हैं. नाले का अवरोधन, गऊघाट पंपिंग स्टेशन मे प्रवाहित होने वाले वर्तमान 54,, डाया सीवर वाले घाघर नाले से 968 मीटर सीवर लाइन बिछाना। स्कीम की संस्वीकृत अनुमानित लागत 31.29 लाख रुपये है।

Representations of November 1984 Riot Victims Association

235. SHRI SATYA PRAKASH MALAVIYA:
SHRI ASHWANI KUMAR:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that November, 1984 Riot Victims Association, Janakpuri, New Delhi has represented vide their letters Nos. RVA/MHA/88 dated 28th April, 1988, RVA/MHA/88 dated 22nd June, 1988 and RVA/MHA/88 dated 29th September, 1988 to the Ministry to rify Government's stand on giving *compensation/ex-gratia amount to* different small business establishments/ commercial vehicles irrespective of the fact that owner of these establishments/ vehicles is one individual whose uninsured properties were looted/damaged and destroyed during November, 1984 riots;

(b) if so, what action has been taken on their said representation; and

(c) how many such cases have been recorded in Delhi and what is the stand of Governement in this matter concerning November, 1984 riot Victims?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): (a) and (b) Yes, Sir, It has been decided to club all the business losses of an individual and then work out the ex-gratia amount payable to him.

(c) Delhi Administration has received a total of 6020 claims.

Strengthening of Assam Border to check infiltration across the border

236. SHRIMATI BIJOYA CHAKRAVARTY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that foreign nationals from across the border keep

infiltrating into Assam through local agents; and

(b) if so, what positive steps the Central Governemnt have so far taken for strengthening Assam border to prevent infiltration from Bangaldesh as per Assam Accord Clause No. 9 during the period 1985-1988?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): (a) and (b) No reports regarding infiltration of foreign nationals from across the border into Assam through local agents have been received. However, the Central Governemnt have taken the following steps to check infiltration into Assam from across the border:-

(1) In pursuance of clause 9 of the Assam Accord a scheme for construction of border road/fence along Indo-Bangladesh border has been taken up and the work is under progress. In response to the request from Government of Assam it has also now been decided to take up construction of barbed wire fence in 36 kms. along the north and south bank of Brahmaputra in Dhubri Sector.

(2) One additional batallion of BSF has been inducted during 1987-88 and another batallion is being provided shortly.

(3) The numbers of Border out-posts and of OP towers have been increased.

(4) Under the Prevention of Infiltration of Foreigners Scheme 1280 posts of various categories have been sanctioned for the purpose of detection and expulsion of foreign nationals in Assam.

Proposal for Creating "No Man's Land" on Assam-Bangladesh Border

237. SHRIMATI BIJOYA CHAKRAVARTY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have received a memorandum from the Chief Minister of Assam urging the Central Government for creating a "No Man's Land" on the Assam-Bangladesh border; and

(b) if so, what positive steps Government have taken for the implementation of the proposal?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): (a) Yes, Sir.

(b) Since creation of 'No Man's Land' would mean removal of structures along the zero line of the International border as well as eviction of people living in those areas and their subsequent rehabilitation on alternate sites, the State Government have been requested to assess the magnitude of the human problem that is likely to arise.

Foreign exchange reserves

238. SHRI SURESH PACHOURI: Will the Minister of FINANCE be pleased to state:

(a) whether the latest level of foreign currency assets of Rs. 6243.1 crores on December 23, 1988 is less than the trade deficit in 1987-88;

(b) if so, whether the latest level of reserves constituted two thirds of the deficit on merchandise accounts;

(c) if so, what are the main reasons therefor; and

(d) to what extent the latest reserve has been reduced in 1988 and what steps are being taken in this regard?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) Yes, Sir.

(b) No, Sir. The foreign exchange reserves (excluding Gold and SDR's) as on December 23, 1988 constituted more than

two thirds of the deficit on merchandise accounts of 1987-88.

(c) and (d) The foreign exchange reserves declined from Rs. 7145 crores as on 1-1-1988 to Rs. 6313 crores as on 30-12-1988. The decline in reserves, as per available indications is due primarily to sharp increase in international prices of some of the major bulk commodities like steel, non-ferrous metals, petrochemicals and other imports; increase in import of petroleum products, fertilizers and steel; imports of wheat, rice and other items necessitated by the unprecedented drought of last year and lower net receipts of aid and higher repayments to the IMF as compared to last year.

A Special Action Plan drawn by Government for Balance of Payments turnaround aims at measures to generate additional exports, contain imports and augment foreign exchange earnings through NRI Deposits/Bonds additional direct/indirect investments and increased tourism receipts.

Ex-gratia payments to November, 1984 riot victims

239. SARDAR JAGJIT SINGH AURORA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that 'November, 84 Riot Victims Association, Janakpuri, New Delhi' has represented to Government that ex-gratia payments to Nov.' 84 riot victims is not being paid in some cases as per decision of the Home Ministry i.e. 50 per cent of the estimated losses or Rs. 50,000/- maximum for each business establishment;

(b) whether it is also a fact that ex-gratia amount recommended by the Claims Settlement Officers is being curtailed/reduced arbitrarily by the next officers without assigning any reasons in D.C. Office;

(c) if so, what are the reasons therefor and what action has been taken on the representations of the above named Association in order to remove the hardships of riot victims; and

(d) how much time is likely to be taken by Government to decide all these cases?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

(d) About one month.

आयात और निर्यात के अन्तर में वृद्धि

240. **श्री राम जेठमलानी :**
श्री राम नरेश यादव :

क्या वाणिज्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि चालू वित्तीय वर्ष के पहले सात महीनों की अवधि के दौरान पिछले वर्ष की इसी अवधि की तुलना में अन्तर्राष्ट्रीय व्यापार में आयात और निर्यात के बीच के अन्तर में वृद्धि हुई है;

(ख) यदि हां, तो पिछले वर्ष और इस वर्ष के पहले सात महीनों की अवधि में देश के आयात और निर्यात की मात्रा क्रमशः कितनी-कितनी थी;

(ग) अन्तर में वृद्धि का कारण निर्यात में कमी होना है या अधिक आयात होना है; और

(घ) क्या आयात में वृद्धि हुई है; और यदि हां, तो किन-किन वस्तुओं का, उनकी मात्रा सहित, आयात किया गया?

वाणिज्य मंत्रालय में राज्य मंत्री (श्री पी० आर० दासमुंशी) : (क) अनन्तिम आंकड़ों के अनुसार चालू वित्तीय वर्ष के पहले सात महीनों, अर्थात् अप्रैल-अक्तूबर, 1988 के दौरान भारत का व्यापार घाटा 4936.45 करोड़ रु० का था, जबकि अप्रैल-अक्तूबर, 1987 के दौरान यह 3483.98 करोड़ रू० था।

(ख) और (ग) अनन्तिम आंकड़ों के अनुसार अप्रैल-अक्तूबर, 1988 के दौरान भारत के निर्यात 10624.62 करोड़ रु० के रहे, जबकि अप्रैल-अक्तूबर, 1987 के दौरान ये 8707.74 करोड़ रु० के थे, इस प्रकार इनमें 22.0% की वृद्धि हुई, इसी समय अप्रैल-अक्तूबर, 1988 के दौरान भारत के आयात

15561.07 करोड़ रु० के रहे, जबकि अप्रैल-अक्तूबर, 1987 के दौरान ये 12191.72 करोड़ रु० के थे इस प्रकार इनमें 27.6 की वृद्धि हुई।

(घ) भारत के आयातों के वस्तु-वार ब्यौरे केवल अप्रैल-सितम्बर, 1988 तक उपलब्ध हैं। अप्रैल-सितम्बल १,1987 की तुलना में अप्रैल-सितम्बर 1988 के दौरान प्रमुख वस्तुओं के आयातों को दशनि वाला एक विवरण संलग्न है। [देखिए परिशिष्ट 149, अनुपत्र स० 9]

रुपए की कीमत

241.**श्री राम जेठमलानी:**
सरदार जगजीत सिंह अरोड़ा:

क्या वित्त मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि भारतीय रुपए की क्रय शक्ति लगातार प्रतिवर्ष कम होती जा रही है;

(ख) यदि हां, तो क्या यह भी सच है कि 1960 को आधार वर्ष मानते हुए सितम्बर, 1988 में भारतीय रुपए का मूल्य घट कर 12 91 पैसा रह गया था, और

(ग) क्या यह भी सच है कि 1988 के वर्ष मे औद्योगिक और कृपि उत्पादन में वृद्धि हुई; यदि हां, तो इस वृद्धि के बावजूद भारतीय रुपए की क्रय शक्ति में इस सीमा तक कमी होने के क्या कारण हैं?

वित्त मंत्रालय में आर्थिक कार्य विभाग में राज्य मंत्री (श्री एडुआर्डो फेलेरियो): (क) से (ग) औद्योगिक कर्मचारियों के लिए उपभोक्ता मूल्य सूचकांक के वयुत्क्रम के रूप मे आकलित रुपए की क्रय शक्ति सूचकाक मे वृद्धि होने के कारण पिछले वर्षों के दौरान कम हुई है। आधार वर्ष 1960 से तुलना करते हुए भारतीय रुपए की क्रय शक्ति सितम्बर, 1988 में कम होकर 12 41 पैसे थी। तथापि, रुपए की क्रय शक्ति में कमी आने से आम आदमी के हित पर कोई प्रतिकूल प्रभाव नहीं पड़ा है क्योंकि इसके साथ-साथ प्रतिव्यक्ति आय में अधिक तेजी से वृद्धि हुई है।

कृषि और औद्योगिक उत्पादन दोनों पर ही 1987-88 के सूखे के कारण धक्का लगा है जिससे 1988 के दौरान बहुत सी आवश्यक वस्तुओं की पूर्ति पर प्रतिकूल प्रभाव पड़ा है। मूल्यों में वृद्धि का मुख्य कारण पूर्ति और मांग में असंतुलन होना है। भारत जैसे विकासशील देश में यद्यपि उपभोक्ता वस्तुओं का उत्पादन मौसम की स्थितियों से प्रभावित होता है, तथापि जनसंख्या और आय में वृद्धि होने के कारण इन वस्तुओं की मांग बढ़ती जाती है।

पंजाब में हत्याएं

242. **श्री राम जेठमलानी:**
सरदार जगजीत सिंह अरोड़ा:

क्या गृह मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि पंजाब में लगातार प्रतिदिन हत्याएं हो रही हैं;

(ख) यदि हां, तो राष्ट्रपति शासन के दौरान अब तक पंजाब में कुल कितने व्यक्तियों की हत्याएं हुईं, उनमें सैनिकों, बेकसूर नागरिकों और आतंकवादियों की संख्या कितनी-कितनी है तथा इस संबंध में अब तक कितने व्यक्तियों को गिरफ्तार किया गया है; और

(ग) क्या सरकार पंजाब में लगातार हो रही हत्याओं की संख्या में वृद्धि को देखते हुए वहां के प्रशासन में भारी फेरबदल करने का विचार रखती है; और यदि नहीं तो इसके क्या कारण हैं?

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा गृह मंत्रालय में राज्य मंत्री (श्री पी० चिदम्बरम्): (क) और (ख) 12 मई, 1987 से 31 जनवरी, 1989 तक की अवधि के दौरान आतंकवादी हिंसक घटनाओं में व्यक्ति मारे गए हैं। इस अवधि के दौरान 696 आतंकवादी मारे गए हैं और 6788 गिरफ्तार किए गए हैं।

(ग) पंजाब की स्थिति की लगातार पुनरीक्षा की जा रही है तथा राज्य में आतंकवाद का मुकाबला करने के लिए समय-समय पर उपाय किए जाते हैं।

Recommendations made at the conference held on stopping clandestine import of hazardous waste

243. *SHRI SURESH PACHOURI:* Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether it is a fact that a two-day Conference of officials of States and Union Territories on management of hazardous and waste substances and pollution control was held recently which made strong recommendations for stopping the clandestine import of hazardous waste;

(b) if so, what were the other recommendations made at the Conference; and

(c) how many of the recommendations have been accepted and what steps are being taken by Government to implement them?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): (a) yes, Sir.

(b) and (c) the Conference consiedered a number of recommendations for incorporation in the regulations for management of hazardous substances and wastes under the Environment (Protection) Act, 1986 and their deliberations and views are being taken into account in the final set of rules and regulations to be issued.

244. [*Transferred to the 3rd March,* 1989]

245. [*Transferred to the 3rd March,* 1989]

Appraisal of mass loan mela scheme

246. SHRI DIPEN GHOSH:
SHRI M. A. BABY:

Will the Minister of FINANCE be pleased to state:

(a) whether Government have made any appriasal of mass loan mela scheme of nationalised banks; and

(b) if so, whether the appraisal was satisfactory, and if otherwise, what are the reasons therefor ?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) Credit Camps are organised by Public Sector Banks as part of the overall programme to accelerate flow of credit to the Weaker Sections. Central Government have not made any appraisal of the Nationalised Banks Credit Camps Scheme. However, Reserve Bank of India (RBI) had conducted a sample study on credit camps in 1986. Based on the feed back obtained then and subsequently, the programme is kept under review by the banks. In granting loans to Weaker Sections, banks are required to follow the instructions and guidelines, issued for the purpose, by Reserve Banks of India.

Changes in the disciplinary rules applicable to bank officers

247. SHRI E. BALANANDAN:
SHRI ASHIS SEN:

Will the Minister of FINANCE be pleased to state:

(a) whether Government recognise the urgency to change the disciplinary rules applicable to the bank officers for facilitating continuance of proceedings started during their service period even after their retirement; and

(b) if so, by when such a change is likely to be brought about in such rules?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) The matter regarding suitably amending the Disciplinary Rules for facilitating continuance of proceedings after retirement of officers is receiving the attention of the Government.

Indiscriminate sanctioning of loans by banks

248. DR. R. K. PODDAR:
SHRI MOSTAFA BIN QUASEM:

Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that loans under mass loan mela schemes of nationalised banks were indiscriminately sanctioned

without proper identification and were given through middlemen; and

(b) if so, when Government first came to know of such malpractices?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) The Public Sector Banks organise credit camps as part of their overall measures to accelerate credit assistance to weaker sections of the society. The banks observe the guidelines/Instructions issued by the Reserve Bank of India from time to time regarding eligibility criteria, project appraisal and post sanction supervision as also recovery procedure etc, for all loans given by them whether at credit camps or otherwise. Any diversion from lending guidelines of Reserve Bank of India/ Government by banks is looked into at appropriate levels.

Setting up of export promotion zone at Visakhapatnam

249. PROF. C. LAKSHMANNA: Will the Minister of COMMERCE be pleased to state:

(a) whether it is a fact that there is enormous delay in setting up of the Export promotion zone at Visakhapatnam;

(b) if so, what are the reasons therefor;

(c) by when the work on the project is likely to start; and

(d) whether any time-frame has been contemplated for the completion of the project?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI): (a) to (d) Government have agreed in principle to the location of a possible Export processing Zone at Visakhapatnam. The modalities of implementing the possibility have to be worked out having regard to the relevant techno economic considerations. It is not possible to indicate a time limit in this regard at this stage.

Projects from Andhra Pradesh pending clearance

250. PROF. C. LAKSHMANNA: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) the number of projects cleared during the years 1987-88 and 1988-89 from forest and environment angles which were received from Andhra Pradesh;

(b) the number of such projects that are still pending clearance;

(c) whether there is a time-frame for the clearance of these projects; and

(d) whether it is a fact that there is a cost escalation on the projects because of the non-clearance of the projects?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): (a) the number of projects of Andhra Pradesh cleared from Environmental and Forestry angles during 1987-88 and 1988-89 are as under:

1987-88	8
1988-89	22

(b) 20 cases of Andhra Pradesh are pending.

(c) and (d) Yes, Sir

Forest Land

251. PROF. C. LAKSHMANNA: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) what was the percentage of forests in the total land area in India at the

beginning of the Sixth plan period and at the beginning of the seventh plan period;

(b) what is the percentage of forests to the total land area at the end of 1988;

(c) what improvement has been registered in this connection with the emphasis which has been laid on increasing the forest land; and

(d) how does this compare with the targeted percentage of forest land?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): (a) the percentages of recorded forest area to total land area in the country at the beginning of Sixth Five Year Plan (1980-81) and at the beginning of Seventh Five Year Plan (1985-86) were 22.83% and 22.90% respectively.

(b) No survey has been carried out regarding forest area at the end of 1988.

(c) The following improvements are noticed as a result of forest conservation measures and implementation of afforestation schemes in the country:

(i) The average annual rate of diversion of forest land for non-forest purposes has come down from 1.5 lakh hectares before 1980 to 15,000 hectares during the period 1980-1988.

(ii) Annual rate of afforestation has gone up from 1.45 million hectares in 1985-1986 to about 2 million hectares in 1988-89.

(d) The targeted percentage of forest area is 33.33% of total land area in the country, whereas the percentage of recorded forest area is 22.90%.

Effect of revision of electoral rolls

252. SHRI M. VINCENT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there is a necessity for consequential delination of (i) the number of Assembly seats (ii) the limits and area of the constituencies and (iii) the number of Parliament seats as a consequence of the revision of voters' list with 18 years of age as the eligibility limit; and

(b) if so, what are the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): (a) No, Sir.

(b) Does not arise.

Cases of smuggling detected by the Customs authorities

253. SHRI M. VINCENT: Will the Minister of FINANCE be pleased to state:

(a) what is the number of cases which have come to the notice of the Customs authorities involving clandestine imports or deemed to be smuggled in the past three years amounting to Rs. 1 crore and above Rs.1 crore in each case;

(b) how many of these cases were prosecuted and with what results; and

(c) how many of these cases have been dropped or withdrawn till date?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) Available reports indicate that 103 cases (figure provisional) of smuggling involving seizure of goods of Rs. one crore and above had been booked by the Customs authorities during the past three years.

(b) and (c) Statistics of prosecution in respect of only those cases involving seizure of goods of more than Rs. one crore are not maintained separately. However, number of persons arrested, number of persons prosecuted, number of persons convicted and number

of persons acquitted during the past three years in smuggling cases is given in the table below:—

	1986	1987	1988
(i)Number of persons arrested	2900	2480	3253*
(ii)Number of persons prosecuted.	2587	2531	2231*
(iii) Number of persons convicted.	871	744	750*
(iv)Number of persons acquitted.	235	300	243*

* The figures are provisional

** The figures under these rows include convictions, acquittal of persons arrested in previous years.

Cases pending before the Customs and Central Excise authorities

254. SHRI M. VINCENT: Will the Minister of FINANCE be pleased to state:

(a) what is the number of investigations and prosecutions pending with the Customs and Central Excise authorities against big business houses as on 31st January,, 1989;

(b) what is the number of such cases which have been dropped or withdrawn as on date;

(c) whether Government have issued any directive to the Customs and Central Excise in this regard; and

(d) if so, to what effect and under which provisions of law?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) to (d) The number of show cause notices and prosecutions pending as on 31.1.1989 against companies registered under section 26 of the M.R T.P. Act, 1969 and belonging to the top 20 business houses ranked according to their assets for the year 1986-87, is given below:—

Department	No. of show cause notices pending as on 31.1.1989.	No. of Prosecutions Pendings as on 31.1.1989
CENTRAL EXCISE	2124	10
CUSTOMS	6	NIL

The number of show cause notices which have been dropped or withdrawn against the above business houses during the period 1.4.1988 to 31.1.1989 is :—

CENTRAL EXCISE	445
CUSTOMS	1

No prosecutions against the above business houses have been dropped or withdrawn during the period 1.4.1988 to 31.1.1989.

The Government have not issued any directives to the Customs and Central Excise authorities for either dropping or withdrawing any investigation, show cause notice or prosecution against the above business houses.

Mobilisation of resources by the nationalised banks

255. SHRI M. VINCENT: Will the Minister of FINANCE be pleased to state:

(a) what are the names of the first five leading nationalised banks which have mobilised maximum deposits in the calendar year 1988;

(b) what are the names of the first five nationalised banks which top in lendings in the calendar year 1988; and

(c) what are the names of the first five nationalised bank which top in the net earnings or profits in the calendar year 1988?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) to (c) As per information available from Reserve Bank of India, following public sector banks were leading in mobilisation of deposits, outstanding advances & published profits:—

Aggregate Deposits
(As at the end of Dec. 1988)

State Bank of India
Punjab National bank
Central Bank of India
Bank of India
Canara Bank

Outstanding Advances

State Bank of India
Punjab National Bank
Canara Bank
Bank of India
Central Bank of India

Published Profit
(As on Dec. 1987)

State Bank of India
Canara Bank
Punjab National Bank
Bank of Baroda
Union Bank of India

Increase in the price of cotton yarn supplied to handloom weavers

256. SHRI M. VINCENT: Will the Minsiter of TEXTILES be pleased to state:

(a) what is the percentage increase of cotton yarn prices supplied to the handloom weavers during the past five years;

(b) whether Government are aware that in Tamil Nadu a sizeable number of handloom weavers have been thrown out of employment because of the steep rise in handloom cotton yarn; and

(c) what measures have been taken by the Ministry to make available cotton yarn at a reasonable price to the handloom weavers?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRI RAFIQUE ALAM) (a) to (c) There has been an increase in the price of cotton hank yarn, the principal raw material used in the handloom sector, largely on account of increase in the price of cotton. The average percentage increase in the price of cotton hank yarn in December, 1988 over the price reported in December, 1984 is about 36 percent. Handloom weavers in in the country, including those in Tamilnadu, have been facing some hardship on account of the increase in price of yarn.

In order to safeguard the interest of the decentralised handloom sector,, Government have taken the following steps to check the recent rise in prices of yarns:—

(i) (i) export of staple cotton has been suspended;
(ii) export of hank yarn upto 60s counts has been suspended;
(iii) import of cotton against export of cotton yarn/cotton fabrics and made-ups on advance licence basis has been permitted;
(iv) import of one lakh bales of cotton, duty free, for production of hank yarn for supply to handloom sector has been permitted; and
(v) the rate of subsidy on janta cloth has been increased from 2.00 per square metre to Rs. 2.75 per square metre w.e.f. 1.3.1988.

Opening branches of rural Banks

257. SHRI K.V. THANGKABALU: Will the Minister of FINANCE be pleased to state:

(a) what is the number of branches of rural banks opened by each of the nationalised banks in different States and the amount of money deposited by the villagers with such banks and the amount of loans advanced by these banks for rulral development during the last three years under the 20-Point Programme; and

(b) what is the permanent system to disburse loans in the rural areas other than the credit camps?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) According to the information available from Reserve Bank of India (RBI) 1377 rural branches were opened by Public Sector Banks during the year 1986, 1987 and 1988 (upto 30.9.1988). Statewise details are given in the statement (*see* below)

The present data reporting system do not give separate information relating to loans advanced by rural branches under the 20-Point Programme. However, as per information available with RBI, the amount of loans advanced by Public Sector Banks during the last three years under the 20-Point Programme is as under:-

(Rs. in crores)

Year	Outstanding Advances
December, 1986	7896.90
December, 1987	9006 72
June, 1988	9456.32

All banks have regular system of disbursing loans in the rural areas of the country. As per the instructions of RBI all rural branches are required to fix one specific day in a week for disbursement of loans and have to maintain the credit deposit ratio above 60%.

Statement

Statewise details of rural branches opened by Public Sector Banks during the year 1986, 1987 and 1988 (up to 30.9.1989).

State/Union Territory	No. of rural branches opened during		
	1986	1987	1988 (up to Sept.88)
Andhra Pradesh	2	74	39
Arunachal Pradesh	2	-	-
Assam	8	17	15
Bihar	15	26	56
Goa	-	2	1
Gujarat	3	24	11
Haryana	4	43	6
Himachal Pradesh	4	31	12
Jammu & Kashmir	-	-	-
Karnataka	1	9	32
Kerala	3	29	8
Madhya Pradesh	9	39	36
Maharashtra	2	73	57
Manipur	-	-	-
Meghalaya	-	1	2
Mizoram	1	-	-
Negaland	1	1	-
Orissa	2	39	25
Punjab	2	9	2
Rajasthan	-	35	5
Sikkim	-	-	6
Tamil Nadu	-	48	42
Tripura	-	2	5
Uttar Pradesh	19	181	76
West Bengal	23	73	82
Andaman & Nicobar Islands	-	-	-
Chandigarh	-	-	-
Dadra & Nagar Haveli	-	-	-
Daman and Diu	-	-	-
Delhi	-	1	-
Lakshadweep	-	-	-
Pondicherry	-	-	1
TOTAL:	101	757	519

Trade between India and China

258. SHRI K.V. THANGKABALU: Will the Minister of COMMERCE be pleased to state:

(a) the details of the trade undertaken between India and china during the current year so far; and

(b) the number of trade delegations exchanged between India and China during the last three years to promote trade?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI) : (a) As per Directorate General of Commercial Intelligence and Statistics (DGCI & S) figures, Indo-China bilateral trade during April-September, 1988 aggregated to Rs. 130.9 crores. Mineral ores, leather products, textile yarn etc. constitute the main items of export to China and vegetables and fruits, textile fibres, silk yarn, chemical products etc. constitute main items of import from china.

(b) A total of 85 trade delegations were exchanged between the two countries in the last three years.

Export of Iron Ore from Paradip Port

259. SHRI SUBAS MOHANTY: will the Minister of COMMERCE be pleased to state:

(a) the present capacity of export of iron ore from Paradip port;

(b) the total export made during the current year, till date: and

(c) whether a large quantity of Iron ore has accumulated at the mine sites for export, if so the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI) : (a) The present annual capacity of export of iron ore from Paradip Port is about 3 million tonnes.

(b) About 1.58 million tonnes of iron ore has been exported by Minerals and Metals Trading Corporation from Paradip Port up to mid-February, 1989 during the current financial year.

(c) As on 31.1.1989, accumulated stocks with MMTC at the loading stations connected with mines of Bihar and Orissa which feed Paradip Port are of the order of 0.86 million tonnes.

Performance of rural banks

260. SHRI BAIKUNTHA NATH SAHU: Will the Minister of FINANCE be pleased to state:

(a) whether Government have taken a decision to increase the number of branches of banks in the rural areas;

(b) if so, what are the details thereof, Statewise;

(c) whether it is a fact that the operating cost of rural banks is increasing;

(d) if so, what are the reasons therefor; and

(e) what steps have been taken to improve the performance of rural banks?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) The aim of current Branch Licensing Policy for 1985-90 co-terminus with Seventh Five Year Plan period is to achieve a coverage of 17,000 population per bank office in the rural and semi-urban areas of each development block and make available at least one bank office within a distance of 10 Kms. from every village. Keeping the Policy norms in view, RBI up to the end of January, 1989, has allotted 5359 rural and semi-urban centres to commercial banks including Regional Rural Banks for opening branches under the current Policy; the State-wise details are given in the statement (*see* below)

(c) to (e) The operating cost of all branches including rural branches are likely to go up with increase in the establishment costs. Government from time to time have been impressing upon the Public Sector Banks the need for bringing about economy in expenditure by toning up their functioning.

Statement

State-wise number of rural and semi-urban *centres allotted by Reserve Bank of India to commercial banks including Regional* ***Rural Banks up to 31.1.1989.***

State/ Union Territory	No. of centres allotted
Andhra Pradesh	388
Arunachal Pradesh	29
Assam	260
Bihar	385
Gujarat	244
Goa	6
Haryana	128
Himachal Pradesh	163
Jammu & Kashmir	36
Karnataka	252
Kerala	74
Madhya Pradesh	486
Maharashtra	512
Manipur	20
Meghalaya	26
Mizoram	35
Nagaland	18
Orissa	183
Punjab	117
Rajasthan	239
Sikkim	7
Tamil Nadu	256
Tripura	35
Uttar Pradesh	927
West Bengal	519
Andaman & Nicobar Islands	8
Dadra & Nagar Haveli	1
Delhi	1
Lakshadweep	3
Pondicherry	1
TOTAL	5359

Rubber plantation in Orissa

261. SHRI JAGADISH JANI: Will the Minister of COMMERCE be pleased to state:

(a) the approximate areas in different parts of Orissa which have been brought under the Rubber Plantation so far;

(b) the year since when Rubber Plantation was started in Orissa and the result yielded, if any;

(c) whether Government have any proposal to bring additional hectares of land under Rubber Plantation in that State; and

(d) if so, what steps have been taken in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI): (a) About 180 hectares of land has been brought under rubber cultivation in different areas of Orissa so far.

(b) While trial plantations were started in 1966, the commercial cultivation started from 1984. The Growth performance is quite satisfactory though production has not so far started.

(c) and (d) Yes Sir, Rubber cultivation is being promoted in the districts of Mayurbhanj, Balasore, Denkanal, Cuttack, Puri and Ganjam. A Zonal office of the Rubber Board was set up in Bhubaneshwar and regional offices have been set up at Behrampur and Baripada. The rubber growers in Orissa are being given financial assistance under the Rubber Plantation Development Scheme which include cash subsidy, interest subsidy, additional assistance for use of planting material of advanced growth raised in polybags etc.

Development of handicrafts

262. SHRI JAGADISH JANI: Will the Minister of TEXTILES be pleased to state:

(a) the total amount spent on the development of handicrafts during the Seventh plan period so far;

(b) the various steps taken by Government for the development of handicrafts;

(c) the incentives being given to the rural artisans to promote handicrafts; and

(d) the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRI RAFIQUE ALAM): (a) The total amount spent on the development of handicrafts during the Seventh Plan period, from 1985-86 to 1988-89 (up to January, 1989) is Rs. 3872.10 lakhs.

(b) The major steps taken by the Government in the handicrafts sector are:—

(i) imparting of training in various crafts.
(ii) technical assistance in the shape of design development.
(iii) financial & marketing assistance.
(iv) supply of raw materials.
(v) popularisation of handicrafts through exhibitions & publicity.
(vi) promotion of exports in handicrafts, through Councils, one for the handicrafts and the other for Carpets.
(vii) preservation of traditional crafts in National Handicrafts and Handloom Museum at New Delhi.
(viii) encouragement of the artisans through National Awards and pension to craft-persons in old age and infirmity.

(c) and (d) the following incentives are given to the rural artisans:—

(i) training in various crafts to the artisans.
(ii) supply of design inputs.
(iii) financial and marketing assistance.
(iv) supply of raw materials through Government Depots at reasonable prices.
(v) Presidential Awards to outstanding Master crafts persons.

Erosion of coastal area

263. SHRI K.V. THANGKABALU: Will the Minister of WATER RESOURCES be pleased to state:

(a) the names of Sea coasts particularly near the major sea ports being affected by sea erosion;

(b) the percentage of coastal area facing sea erosion; and

(c) the details of centrally sponsored scheme to check sea erosion?

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRIMATI KRISHNA SAHI): (a) These are (i) Paradeep Port in Orissa, (ii) Vishakhapatnam Port in Andhra Pradesh, (iii) Madras Port in Tamil Nadu; and (iv) New Mangalore Port in Karnataka.

(b) Nearly 85% of the coastline in Kerala and 26% in Karnataka is reported to be affected by sea erosion. The problem in other coastal States is not appreciable and occurs in isolated patches.

(c) There is no Centrally sponsored scheme to check sea erosion, but some assistance has been extended to Kerala.

Review of Export Credit Guarantee and Insurance for Promotion of Exports

264. SHRI RAOOF VALIULLAH: Will the Minister of COMMERCE be pleased to state:

(a) whether the confederation of Engineering Industry (CEI) has recommended for a thorough review of export credit guarantee and insurance for promotion of exports; if so, what is Government's reaction thereto and what are their other recommendations;

(b) whether Government will reconsider the scope of and support to the ECGC in respect of export credit insurance; if so, what are the details thereof; and

(c) what are the alternatives available with Government to finance and operate a State owned Institution like ECGC and whether Government are satisfied with the present set up?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI): (a) to (c) The Confederation of Engineering Industry (CEI) has stated in a proposal submitted to Government that there is need to

review and reconsider the scope of, and support to ECGC in respect of export credit insurance. The performance of ECGC was reviewed recently and it was found to be satisfactory. In order to provide financial support to the corporation for underwriting export credit insurance, Government had increased the paid-up capital of the Corporation from Rs. 5.0 crores to Rs. 25.0 crores last year. Budget provision has already been made to provide a further sum of Rs. 25.0 crores to the corporation during the current financial year.

Abid Hussain Committee on Textile Policy

265. SHRI RAOOF VALIULLAH: Will the Minister of TEXTILES be pleased to state:

(a) whether the Abid Hussain Committee on the implementation of the textile policy has submitted its report; if so what are its major recommendations, and if the report has not so far been submitted, when it will submit its report;

(b) whether the report would form the basis of the taxtile sector in the Eighth Plan; if so, whether this is included in the tarms of reference of the Committee;

(c) whether the State Governments, have been consulted and their views sought by the Committee; if so, which are the States which have represented and what are their main submissions;

(d) whether Government are contemplating some interim steps to ease the textile crisis, particularly in view of a large number of unemployed textile workers in Ahmadabad and Bombay; if so, the details thereof; and

(e) whether Gujarat Government has proposad that textile workers Rehabilitation Fund scheme benefit be given to the workers when the provisional liquidator is appointed by the High Court; if so, what is Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRI RAFIQUE ALAM): (a) and (b) The term of the Abid Hussain Committee constituted to review the implementation of the Textile Policy, 1985 has been extended up to 30-6-89.

(c) The composition of the Abid Hussain Committee is balanced and broad based and it is not considered necessary to given representation to the State Governments. However, the Committee is free to take the views of any organisation/individual if considered necessary.

(d) The Government is seized of the specific problems of the textile industry and remedial measures are taken on as and when necessary.

(e) Yes, Sir. The proposal could not be agreed to. The scheme becomes applicable only after the passing of the winding up order by the Court (When the Provisional Liquidator becomes Official Liquidator).

Foreign Exchange Reserves

266. SHRI RAOOF VALIULLAH: Will the Minister of FINANCE be pleased to state:

(a) what are the country's total foreign exchange reserves as against NRI deposits in Non-Resident External Accounts and FCNR accounts and whether Government propose to continue with the present schemes;

(b) what has been the subscription of NRI bonds and whether Government have planned the productive investment of such money; if so, what are the details thereof; and

(c) how much of the NRI funds will be invested in new industries that require long gestation period for returns and whether Government propose to regulate

the flow of NRI funds to suit the country's requirements and needs?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) (i) The total foreign exchange reserves, comprising foreign currency assets, Gold and SDR Holding, stood at Rs. 5967 crores at the end of January, 1989.

(ii) Balances outstandig under NRE and FCNR Accounts (as on 27.1.89) are as follows:

(Rs. in crores)

NRE accounts	FCNR Accounts
5606	7570

(iii) The Government Proposes to continue with the present schemes.

(b) The subscription for the NRI Bonds closed on 15th February, 1989. Up to 17th February, 1989, a sum of US $76.823 million, equivalent to Rs. 115.44 crores, has been credited to the Reserve Bank of India account with Federal Reserve Bank, New York.

The bonds were floated by the State Bank of India and the money so collected shall be invested as per the policy guidelines issued to the nationalised banks from time to time.

(c) The decision to invest in a particular sector is taken by the Non-Resident Indians themselves within the overall framework of Government policy for NRI investments and the Industrial Policy of the Government of India.

Allocation of export quota of castor oil by STC

267. SHRI RAOOF VALIULLAH: Will the Minister of COMMERCE be pleased to state:

(a) whether it is a fact that the Chief Minister of Gujarat has represented to the Ministry of Commerce for allocation of export quota of castor oil by State Trading Corporation (STC) of India; if so, whether any decision has been taken by the Commerce Ministry thereon;

(b) whether Government are aware that 60% of the total production of castor and 80% of the crushing capacity is in Gujarat; if so what is the reason for ignoring the claims of Gujarat State Export Corporation;

(c) what is the total export of castor and castor oil the countries to which it is exported and the quota allotted by the State Trading Corporation of India to private companies and State Public undertakings this year; and

(d) whether State Public Undertakings are given preference in the allotment of quota and if not, what are the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI: (a) to (d) Export of castor oil to Rupee Payment Area (RPA) countries is canalised through STC and is on Open General Licence (OGI) for exports to General Currency Area (GCA) countries. The Chief Minister of Gujarat has represented to the Ministry of commerce for allocation of export quota of castor oil by State Trading Corporation of India for export to RPA countries. In his request he has pointed out that over 60% of the total production of castor oil is from Gujarat State. It has been decided that, to begin with, STC may offer, after finalisation of prices with buyers, a quota of 1,000 to 2,000 MTs of castor oil to Gujarat State Export Corporation for export to RPA countries. In the normal course special quotas for export to RPA countries are not given.

2. Any enquiry, as and when received, is circulated by STC to all its associate suppliers including Public Sector undertakings for sending offers as per buyers requirements. Taking into account the lowest prices quoted by suppliers, corresponding to the shipment period and the quantity required by the buyer, the offers are sent to the foreign buyer. The reason for lower share of Gujarat State Export Corporation in the business has been their quoting higher prices consistently as compared to other parties. A total quantity of 20,796 MTs has been exported from India during the period from 1st April, 1988 till 21st February, 1989. Main exports are to USSR, GDR, Japan, and Nepal. Out of the above total quantity exported so far, Gujarat State Export Corporation offered 500 MTs at competitive prices and shipped 496 MTs. As all the registered associate suppliers of STC, including state public undertakings are given equal opportunity to participate in the tender, other things being equal, the quantities are allocated on the basis of prices quoted by the individual suppliers.

Expansion of trade between India and China

268. SHRI RAJNI RANJAN SAHU: Will the Minister of COMMERCE be pleased to state:

(a) whether any talks have recently been held with China for expansion of trade between the two countries;

(b) if so, what are the details of the discussions held; and

(c) what is the outcome thereof?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DAS MUNSHI): (a) Yes, Sir.

(b) Both sides recognised the need for closer economic cooperation consistant with the existing complementary ties in the two economies. The Indian side indicated out capabilities in areas such as Hotel Industry, Automobiles, Engineering goods etc. The Chinese side taking note of our capabilities promised to explore the possibilities particularly of using Indian expertise in Hotel Industry. India indicated its need for more silk from China.

(c) The talks were held in December, 1988 at Beijing and it is too early to assess the outcome.

दहेज के कारण हुई मौतें

269. **डा. अबरार अहमद खान:** क्या गृह मंत्री यह बताने की कृपा करेंगे कि:

(क) पिछले तीन वर्षों में देश में प्रति वर्ष कितनी महिलाओं की दहेज के कारण हत्या की गयी और इन मामलों में अब तक कितने अपराधियों को पकड़ा गया तथा कितनों को सजा दी गयी;

(ख) पिछले तीन वर्षों में राजस्थान में कितनी दहेज संबंधी हत्याएं हुई तथा कितने लोग पकड़े गए और कितनों को सजा दी गई और क्या सरकार कानून को और अधिक कठोर बनाने पर विचार कर रही है; और

(ग) क्या इस बुराई से लड़ने के लिए महिलाओं को शिक्षित करने के वास्ते सरकार द्वारा कोई अभियान चलाया जा रहा है?

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा गृह मंत्रालय में राज्य मंत्री (श्री पी. चिदम्बरम): (क) वर्ष 1986, 1987, और 1988 के दौरान दहेज मामलों के कारण जिन महिलाओं की मृत्यु हुई उनकी संख्या का राज्यवार और संघ शासित क्षेत्र-वार विवरण संलग्न है। [देखिए परिशिष्ट 149, अनुपत्र सं. 10]

अपराधों को दर्ज करने, जांच करने और पता लगाने की जिम्मेदारी राज्य सरकारों/संघ शासित क्षेत्र प्रशासनों की है। पकड़े गए अपराधियों की संख्या और अपराध/मामलों में दोष-सिद्ध व्यक्तियों की संख्या के बारे में सूचना केन्द्रीय एजेन्सियों द्वारा एकत्रित और संकलित नहीं की जाती है।

(ख) राजस्थान में दहेज मामलों के कारण वर्ष 1986,1987 और 1988 (नवम्बर तक) में क्रमशः 84,113 और 102 महिलाओं की मृत्यु हुई।

इन मामलों में पकड़े गए और दोष- सिद्ध व्यक्तियों की संख्या के विषय में सूचना केन्द्रीय एजेन्सियों द्वारा संकलित नहीं की जाती है।

कानून को संशोधित करने के लिए भारत सरकार किसी प्रस्ताव पर विचार नहीं कर रही है।

(ग) इस समय इस संबंध में सीधा अभियान चलाने का कोई प्रस्ताव नहीं है।

आतंकवादियों द्वारा मारे गये व्यक्ति

270. **डा. अबरार अहमद खान:** क्या **गृह** मंत्री यह बताने की कृपा करेंगे कि:

(क) पंजाब तथा अन्य स्थानों पर आतंकवादियों द्वारा अब तक कितने व्यक्ति मारे गये है। मृतकों के परिवारों को सरकार द्वारा कितनी वित्तीय सहायता उपलब्ध कराई गई है और ऐसे परिवारों की संख्या कितनी है जिनके परिवार का मुखिया मारा गया है और क्या सरकार ने सम्बद्ध परिवारों के पुनर्वास के लिए कोई प्रबंध किये है; और

(ख) राजस्थान सीमा पर कितने आतंकवादी पकड़े गये हैं और उनके सीमा के अन्दर प्रवेश को रोकने के लिए क्या कदम उठाये जा रहे हैं तथा आतंकवादियों द्वारा राजस्थान में अब तक कितने व्यक्ति मारे गये हैं?

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा गृह मंत्रालय में राज्य मंत्री (श्री पी. चिदम्बरम्) (क) तथा (ख) सूचना एकत्र की जा रही है और सदन के पटल पर रख दी जाएगी।

वन अनुरक्षण कार्य पर खर्च की गई धनराशि

271. **डा. अबरार अहमद खान:** क्या **पर्यावरण और वन** मंत्री यह बताने की कृपा करेंगे कि:

(क) गत 3 वर्षों के दौरान देश में वनों के विकास तथा वनों के अनुरक्षण पर वर्षवार कितनी धनराशि खर्च की गई और वनों के विकास तथा अनुरक्षण के लिए क्या कदम उठाए गए हैं और इस संबंध में कितनी सफलता प्राप्त हुई है;

(ख) क्या यह सच है कि इस प्रकार के प्रयास तथा वनों के विकास और अनुरक्षण कार्य पर धनराशि खर्च किए जाने के बावजूद वनों का काटा जाना जारी है और इस कार्य में वनों की रक्षा करने वाले कार्मिक भी अन्तर्गस्त हैं, यदि हां, तो उनकी संख्या कितनी है और उनको क्या सजाएं दी गई; और

(ग) गत 3 वर्षों के दौरान राजस्थान में वनाच्छादित क्षेत्र कितना था तथा इस समय कितना क्षेत्र वनाच्छादित है और इन 3 वर्षों के दौरान राज्य में वनों के विकास पर कितनी धनराशि खर्च की गई और वनों के विकास तथा अनुरक्षण के संबंध में इस समय राज्य में चालू योजनाओ के नाम क्या-क्या हैं तथा वनों में वृक्षों की अवैध कटाई को रोकने के लिए क्या कदम उठाये जा रहे हैं?

पर्यावरण और वन मंत्री (श्री जैड० आर० अंसारी): (क) गत तीन वर्षों के दौरान देश में वनों के विकास तथा संरक्षण पर व्यय की गई धनराशि और वनरोपण की वास्तविक उपलब्धियों का ब्यौरा संलग्न विवरण में दिया गया है। वनों के संरक्षण के लिए किए गए उपाय संलग्न विवरण-2 में दिये गये हैं। इन उपायों से निम्नलिखित प्रभाव पड़े:-

(1) वेनेतर प्रयोजनों के लिए वन भूमि को उपयोग में लाने की वार्षिक औसत दर 1980 से पूर्व 1.5 लाख हेक्टेयर थी, जो 1980-88 की अवधि के दौरान कम होकर 15,000 हेक्टेयर रह गई।

2. वनरोपण की वार्षिक दर 1985-86 में 1.45 मिलियन हेक्टेयर से बढ़कर 1988-89 में लगभग 2 मिलियन हेक्टयर हो गयी।

(ख) 1972-75 से 1980-82 की अवधि के बीच किये गये अध्ययनों से पता चलता है कि वननाशन 1.3 मिलियन हेक्टेयर की दर से हो रहा है। जब कभी अवैध रूप से वृक्ष काटने की शिकायत प्राप्त होती है, संबंधित राज्य सरकार द्वारा लागू नियमों के अनुसार आवश्यक कार्यवाही की जाती है।

(ग) 1981—83 के वर्षों में राजस्थान में वन आवरण के तहत 12,478 वर्ग किमी० क्षेत्र था। उसके पश्चात् वन आवरण के विस्तार के मूल्यांकन के लिए कोई सर्वेक्षण नहीं किया गया। गत तीन वर्षों के दौरान

राजस्थान में वन रोपण पर व्यय की गई राशि निम्नलिखित है:-

वर्ष	व्यय की गई राशि	शामिल क्षेत्र
	(करोड़ रुपयों में)	(हेक्टेयर में)
1985-86	15.46	47,900
1986-87	28.92	67,051
1987-88	27.42	58,693

केन्द्रीय सरकार की सहायता से राजस्थान में निम्नलिखित वनरोपण स्कीमें कार्यान्वित की जा रही है:-

1. ग्रामीण ईंधन का लकड़ी का पौधरोपण,
2 वनवर्धन फार्म,
3. विकेन्द्रित नर्सरियां,
4 स्वैच्छिक अभिकरणों को सहायता अनुदान,
5 राष्ट्रीय ग्रामीण रोजगार कार्यक्रम, ग्रामीण भूमिहीन रोजगार कार्यक्रम, सूखा प्रवण क्षेत्र कार्यक्रम और मरूभूमि विकास कार्यक्रम जैसे ग्रामीण विकास कार्यक्रमों के तहत सामाजिक वानिकी,
6 डाकू प्रभावित क्षेत्रों में घाटी भूमियों का सुधार
7. भू-संरक्षण।

इसके अतिरिक्त, राज्य में बाहर से सहायता प्राप्त एक सामाजिक वानिकी परियोजना क्रियान्वित की जा रही है।

वन संरक्षण के लिए, जैव हस्तक्षेप से वनों की सुरक्षा हेतु आधारभूत संरचना के विकास के लिए एक केन्द्रीय प्रायोजित स्कीम कार्यान्वित की जा रही है।

विवरण - 1

वर्ष	विकास और संरक्षण व्यय की गई राशि		परवन रोपण पर व्यय की गई राशि
	(करोड़ रुपये में)		(करोड़ रुपये में)
	राज्य क्षेत्र	केन्द्रीय क्षेत्र	
1985-86	241.12	40.40	378.58
1986-87	276.61	52.23	491.29
1987-88	349.35	80.11	477.46

वनरोपर पर वास्तविक उपलब्धियां:

	लक्ष्य	उपलब्धि (मिलियन हे० में)
1985-86	1.45	1.51
1986-87	1.71	1.76
1987-88	1.79	1.77

वन संरक्षण के लिए किए गए उपाय:

1. राष्ट्रीय वन नीति, 1980 में वनों के संरक्षण पर और अधिक बल दिया गया है।

2. गैर-वन प्रयोजनों के लिए वन भूमि के उपयोग को रोकने लिए 1980 में वन (संरक्षण) अधिनियम, 1980 बनाया गया था। 1988 में इसमें संशोधन करके इस अधिनियम को और अधिक कठोर बनाया गया है।

3. वनों की सुरक्षा के लिए कानूनी उपबंधों को लागू करने के लिए आधारभूत ढांचे के विकास के लिए राज्यों की सहायता हेतु एक केन्द्रीय प्रयोजित स्कीम शुरू की गई है।

4. घरेलू और वाणिज्यिक क्षेत्रों में ईंधन की लकड़ी के प्रतिस्थापन के लिए ऊर्जा के वैकल्पिक स्रोतों का विकास किया जा रहा है।

5 पैकिंग, रेलवे स्लीपरों और भवन निर्माण में लकड़ी के बदले वैकल्पिक सामग्री का उपयोग किया जा रहा है।

6. वन उत्पादों के लिए आयात नीति को उदार बना दिया गया है।

7 लकड़ी के विकल्प का प्रयोग करने के लिए उद्योगों की वित्तीय प्रोत्साहन दिए जाते हैं।

8. झूम खेती को नियंत्रित करने के प्रयास किए जा रहे हैं।

9. वनों की सुरक्षा के लिए राज्य सरकारों/ शासित प्रदेशों के समय-समय पर दिशा-निर्देश जारी किए गए हैं। इनमें से कुछ दिशा-निर्देश नीचे दिए जाते हैं:-

1. प्राकृतिक वनों की पूर्ण कटाई से बचना और जहां फसलों को बहाली की बहाली अथवा अन्य बागवानी दृष्टिकोणों से, इस प्रकार की कटाई अपरिहार्य हो, वहां पहाड़ों पर इसका क्षेत्र 10 हेक्टेयर और मैदानों मे 25 हेक्टेयर से अधिक नहीं होना चाहिए।

2. पहाड़ों पर 1000 मीटर से अधिक ऊंचाई पर पेड़ों की कटाई पर कम से कम कुछ सालों के लिए प्रतिबन्ध लगाने पर विचार करना।

3. पहाड़ियों और पर्वतों पर उन महत्वपूर्ण क्षेत्रों का पता लगाना, जिनमें वनों की कटाई से सुरक्षा करने और तत्काल व्यापक वनरोपण की जरूरत है।

4. 4 प्रतिशत भौगोलिक क्षेत्र को वन्यजीव अभयारण्यों, राष्ट्रीय उद्यानों, जीवन मंडल रिजर्वों आदि जैसे सुरक्षा क्षेत्रों के रूप में अलग रखना।

Reduction of staff in NTC

272 SHRI CHATURANAN MISHRA:
SHRI GURUDAS DAS GUPTA:

Will the Minister of TEXTILES be pleased to state:

(a) whether it is a fact that the National Textile Corporation has been asked to reduce its staff strength in the holding company considerably; and

(b) if so, what are the details thereof and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRI RAFIQUE ALAM): (a) and (b) In order to facilitate decongestion in Delhi, the Office of National Textile Corporation (Holding Company) has been allowed to continue in Delhi provided the staff strength is reduced by one Hundred.

Bride burning cases

273. SHRI GURUDAS DAS GUPTA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware that recently the number of bride burning incidents has gone up on account of dowry demands;

(b) if so, the number of cases registered in Dowry (Women) Cell of the Delhi Police during 1988;

(c) the number of those convicted;

(d) whether Government are aware that in spite of the existing Laws, police have failed to get offenders convicted; and

(e) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir. There has been an increase in such cases in Delhi.

(b) Out of 71 cases of bride burning registered in Delhi, 15 cases were taken up for investigation by the Dowry (Women) Cell. Out of those, 10 cases have been challaned in court.

(c) Nil.

(d) and (e) Yes, Sir. Cases challaned since the coming into force of the new, and stringent laws in this regard, have not yet reached the stage for orders by the concerned Courts.

Irrigation projects from Andhra Pradesh pending clearance

274. SHRI B. SATYANARAYAN REDDY: Will the Minister of WATER RESOURCES be pleased to state:

(a) whether any prograss has been made and speedy steps are taken in giving clearance in respect of irrigation projects in Andhra Pradesh pending with the Centre; and

(b) if so, the names of such projects in the State and the time by which these projects are likely to be cleared?

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRIMATI KRISHNA SAHI):(a) and (b) out of the five major and six medium irrigation projects received from the State Government, comments on four major and three medium projects have been sent to the State Government. Replies to observations of Central appraising agencies on two medium projects have been recently received in February, 1989. One medium project, namely, Yorravagu project has been received in January,1989.

Appraisal of one major project, namely, Singur has been completed.

Forest area

275. SHRI BIR BHADRA PRATAP SINGH:
SHRI LAXMI NARAIN
SHRI JAGADISH JANI:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether it is a fact that the area under forests is decreasing every year; if so, what was the area under forests in the country in 1951, 1961, 1971, 1981 and at present;

(b) what are the main causes thereof and its ill-effects on the life and economy of the people;

(c) what steps have been taken or are proposed to be taken to check widespread destruction of forests in the country; and

(d) what are the substitutes developed for wood used in various fields and other measures being taken to discourage the unnecessary use of wood?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R ANSARI):(a) Studies carried out by the national Remote Sensing agency through satellite imagery have shown that the average annual rate of depletion of forest cover during the period 1872-75 to 1980-82 was approximately 1.3 million hectares. No separate studies have been carried out at the beginning of each decade.

(b) Acute biotic pressure on forest resources and diversion of forest land for non forest uses have been the main causes of depletion of forest cover. Continuing deforestation has resulted in major ecological and socio-economic crisis in the country.

(c) Steps taken to check destruction of forests and their conservation are given in the statement attached see below.

(d) Some of the wood substitutes used in various fields are given below:—

(i) Use of plastics in furnitrure, mathematical instruments etc.

(ii) Use of fibre glass for constuction of boats.

(iii) Use of aluminium medium density fibre board, PVC etc. for furniture.

(iv) Use of concrete slabs for Railway Sleepers.

(v) Use of steel and aluminium frames for doors and windows.

Statement

Steps taken to check destruction of forests and their conservation

1. The National Forest Policy, 1988 lays more emphasis on conservation of forests.
2. Forest (Conservation) Act was enacted in 1980 to check diversion of forest land for non-forest purposes. The Act has been made more stringent by an amendment of 1988.
3. A Centrally sponsored scheme has been started to help the States to develop infrastructure for enforcement of legal provisions for the protection of forests.
4. Alternative sources of energy are being developed to replace fuelwood in domestic and commercial sectors.
5. Wood is substituted by alternative materials in packaging, railway sleepers, building construction, furniture etc.
6. Import policy for timber has been liberalised.
7. Fiscal incentives are given to industries for wood substitution.
8. Efforts are being made to control shifting cultivation.
9. Guidelines have been issued to State/UT Governments from time to time for protection of forests. Some of these guidelines are as follows:
   (i) To avoid felling of natural forests and where such felling are inevitable for restoration

of crop or other silvicultural considerations, it should be restricted to areas not exceeding 10 hectares in the hills and 25 hectares in the plains.

(ii) To consider banning of fellings in the hills above 1,000 metres, at least for some years.

(iii) To identify critical areas in the hills and mountains which require protection from felling of forests and need immediate vigorous afforestation.

(iv) To set apart 4% of the geographical area as protection area like wildlife sanctuaries, national parks, biosphere reserves etc.

Grant of H.R.A. to Central Government Employees

276. SHRI ANAND PRAKASH GAUTAM:
SHRI BHAGATRAM MANHAR:

Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that Government employees sharing accommodation with other Government employees are granted House Rent Allowance;

(b) whether it is also a fact that the spouses and wards of the Central Government employees who share accommodation allotted to their husbands and parents are not granted any House Rent Allowance;

(c) if so, what are the reasons therefor and the estimated amount to be incurred annually, if the same is granted to the above category of Government employees;

(d) whether Government propose to grant House Rent Allowance to all the Government employees irrespective of their relationship with the allottees of Government accommodation; and

(e) if so, when orders to this effect are likely to be issued?

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B.K. GADHVI): (a) Yes, Sir.

(b) Yes, Sir.

(c) House Rent Allowance is given for compensating the high rents that the employees have to pay for hiring private accommodation. On the other hand, Government accommodation allotted to the Central Government employees is on subsidised rents with large space. House Rent Allowance is admissible only when the employees incur some expenditure on rent or contribute towards rent. In the case of Government accommodation being shared by husband/wife and wards/parents, as one of them is a main allottee, the question of contributing or payment or rent by the other sharer does not arise, in view of their relationship involved. Accordingly, there is no justification to allow House Rent Allowance to sharer of Government accommodation allotted to husband/wife and wards/parents. The total expenditure to be incurred annually by Government, if House Rent Allowance is allowed to above mentioned Government servants, cannot be worked out due to non-availability of data regarding number of Government servants sharing Government accommodation with their parents/spouses/wards and not drawing House Rent Allowance.

(d) No Sir.

(e) Does not arise

Destruction of vegetation, shrubs and trees near government colony in Vasant Vihar, New Delhi

277. SHRI ANAND PRAKASH GAUTAM: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government are aware that the vegetation, shrubs and trees near

Government Colony in Vasant Vihar, New Delhi being systematically destroyed by the hired men of M/s Modern Bazar and Hotel Vasant Continental for their commercial benefit; and

(b) if so, what action Government propose to take in the matter?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): (a) and (b) Information is being collected from Delhi Administration and will be placed on the Table of the House.

Dilution of equity by Hindustan Lever Limited

278. SHRI BHAGATRAM MANHAR: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that the Hindustan Lever Limited has not diluted its equity below 51% as per the provisions of FERA even though 74% of its production and sales is in low technology area of soaps and detergents;

(b) whether it is also a fact that the operation of such a multinational company in low technology area is against Government's policy thereby affecting the growth of indigenous and small scale industries; and

(c) if so, what action Government propose to take in the matter?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) Hindustan Lever Limited was permitted under Section 29(2)(a) of the Foreign Exchange Regulation Act, 1973 to continue to carry on its business in India with 51% foreign equity subject, *inter-alia*, to the conditions that (i) the company's annual turnover from Appendix I activity, products/process involving sophisticated technology and own exports would not be less than 60% of the company's total turnover; and (ii) not less than 10% of the company's own production during each year would be exported.

The company has been fulfilling these stipulations.

(c) Does not arise.

Impounding of aircraft by the Customs Department

279. SHRI BHAGATRAM MANHAR: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that the Customs Department, Bombay have impounded two newly purchased aircraft by the Air India on account of non-payment of duties by the Air India;

(b) if so, what are the details in this regard;

(c) whether it is a fact that Air India had not applied for the total duty exemption to the Customs Department before bringing the new aircraft; and

(d) if so, what is the present position of the case with regard to the release of these aircrafts?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) No, Sir.

(b) Does not arise.

(c) M/s. Air India applied for total exemption from Customs duty leviable on two B-747-300 (Combi) aircraft to be imported into India before bringing them into the country.

(d) The aircraft have already been released.

Adoption of legal device by Smugglers to avoid detention Under COFEPOSA

280. SHRI CHIMANBHAI MEHTA: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that suspected

smugglers are resorting to legal device to avoid detention under COFEPOSA;

(b) what is the number of stay granted to the suspected smugglers by various courts for avoiding detention during the last three years;

(c) what are the names of the courts which have granted stay; and

(d) what are the figures of the stay vacated or made permanent and also the reasons for vacation and making them permanent.

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) yes, Sir.

(b) 112 persons have been granted stay.

(c) The High Courts which granted such interim injunction are Allahabad High Court, Calcutta High Court, Delhi High Court, Madras High Court and Panaji Bench of Bombay High Court.

(d) Stay has been got vacated in 23 cases on the following grounds:

Jurisdictional	1
Merits	18
Withdrawal of petitions	4

Apart from the above, one detention order itself was quashed. In none of the cases the stay has been made permanent.

Death of a Jeweller in Rajkot

281. SHRI CHIMANBHAI MEHTA: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that the death of a Rajkot jeweller was caused due to the alleged inhuman treatment meted out to him during the raid in January 1989, by the raiding party of the Income Tax Department; if so, what are the details thereof;

(b) what steps are being contemplated to avoid recurrence of such unfortunate incidents in future and whether there was a hartal organised to protest against alleged inhuman treatment; and

(c) if so, what are the deails thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) No, Sir.

(b) and (c) In view of reply at (a) above, the question of taking any steps to avoid recurrence of the alleged inhuman treatment does not arise.

Certain business establishments of Rajkot remained closed between 11-1-1989 and 15-1-1989 in response to a Bandh call given by two trade associations of Rajkot.

Smuggling of Gold

282. SHRI CHIMANBHAI MEHTA: Will the Minister of FINANCE be pleased to state:

(a) what is the estimated quantity of gold smuggled into India annually,

(b) whether Government have verified the estimates of the mercantile community that annual requirement of gold is 200 tonnes per annum and local supply is only 40 tonnes;

(c) whether 160 tonnes of gold is smuggled into India annually;

(d) whether it is a fact that bullion market sources in London indicate through media that around 140 tonnes of gold is smuggled into India;

(e) whether Government have worked out any scheme to make smuggling unattractive, if so, what are the details of the scheme; and

(f) whether Government propose to convene a conference of concerned circles including merchants to counter smuggling of gold?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) to (d) Available reports and seizures made indicate that

gold continues to be sensitive to smuggling into th untry. However, since smuggling is a clandestine activity, it is not feasible to estimate the quantum of gold being smuggled into the country at any particular time. The main reasons for the continuing of smuggling of gold into the country are:—

(i) High domestic demand due to social customs;

(ii) Demand for hoarding purposes as a security and hedge against inflation;

(iii) Negligible indigenous production and supply;

(iv) Profitability due to wide differential between international price and rising domestic price.

(e) and (f) the anti-smuggling drive has been intensified and the anti-smuggling machinery throughout the country especially in the vulnerable areas of land boarders, coastline and the international airports and seaports has been geared up. Close co-ordination is being maintained between all the agencies concerned in the detection and prevention of smuggling including that of gold. Sophisticated equipment like X-ray baggage machines, metal detectors, night vision binoculars are being increasingly used. As a result of these measures, more than six metric tonnes of gold worth Rs. 200 crores approximately were seized during the calender year 1988, showing a significant increase over the quantity of 2252 Kgs. of gold worth Rs. 65.78 crores seized in 1987. Government is open to any suggestion including those from merchants to improve the anti-smuggling efforts and counter the smuggling of gold.

The Government had, however, set up two Working Groups— one headed by Shri J. Datta and the other by Dr. Rangarajan. While the Rangarajan Committee examined the Gold policy in all its aspects, the Datta Committee examined the procedural aspects under the Gold (Control) Act. The Rangarajan Commitee has suggested modifications of the Gold (Control) Act, review of the present ceiling on the aggregate value of gold jewellery that could be brought into India free of duty, under the Transfer of Residence Rules, etc. The Datta Committee has recommanded increase in the limits of primary gold to be possessed by goldsmiths, modifications in records and returns, review of system of licencing of Gold Policy and relaxation under the Gold (Control) Act to facilitate export.

Closure of Textile Mills

283. SHRI CHIMANBHAI MEHTA: Will the Minister of TEXTILES be pleased to state:

(a) what are the latest figures of closed textile mills and workers rendered unemployed because of closures and what is the percentage of idle spindalage, looms and workers due to closures stating the separate figures of Gujarat;

(b) what is the number of unemployed workers granted rehabilitation assistance and total quantum of assistance;

(c) whether it is a fact that organised textile industry is facing unhealthy competition from power-looms; and

(d) whether his department has received the complaints that powerloom cloth is being spuriously blanded as handloom and made eligible for subsidies; if so, what has been done by the Department to prevent this malpractice?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRI RAFIQUE ALAM:) (a) A statement is attached (*See* below)

(b) As on 8.2.1989, 855 workers have been granted relief amounting to Rs. 1.33 crores under the Textile Workers Rehabilitation Fund Scheme.

(c) Under the existing Textile Policy powerlooms in the organised mill sector and the decentralised sector are, as far as possible, treated at part and allowed to

compete on the basis of their inherent strengths and Capabilities.

(d) Such complaints are referred to the concerned State Governments as they are the nodal agency for the implementation of the Janta Cloth Scheme for which subsidy is given.

Statement

Details regarding the No. of mills closed in the country and in Gujarat, the number of workers, spindlage and loomage as on 31-12-88.

	In Gujarat	All India
Total Cotton/ man-made fibres Textile Mills	119	1053
Closed Textile Mills	35	138
Workers affected due to closures	55634	169554
% of idle to total:		
(a) Spindles	28%	14%
(b) Looms	30%	18%
(c) Workers	24%	14%

Soviet Assistance for Modernisation of Jute Industry

284. SHRI KAMAL MORARKA : Will the Minister of TEXTILES be pleased to state

(a) whether there is any proposal under Government's consideration for getting technical and commercial assistance from Soviet Union for modernisation-cum-diversification programme of Indian jute industry;

(b) if so, what are the details thereof; and

(c) by when a decision is likely to be taken in this respect?

THE MINISTER OF STATE IN THE MINISTRY OF TEXTILES (SHRI RAFIQUE ALAM): (a) to (c) Birla Jute and Industries Ltd. (India) and Odessa Jute Mills and other Soviet Participants (USSR) have agreed to establish a joint venture in India at Bally Jute Mills belonging to Birla Jute and Industries Ltd. and for this purpose necessary statements have been drawn up with regard to following:

(i) Production programme and projected profitability
(ii) Modernisation and Captial Expenditure
(iii) Projected balance-sheet and financial statements
(iv) Provision for taxation
(v) Details of profit and distribution of dividend including repatriation to U.S.S.R.
(vi) Maximise exports to U.S.S.R. and other countries. The new company named Birla Odessa Inds. Ltd. will be registered in Calcutta under Indian Laws.

Setting up of a Biosphere reserve in Great Nicobar Island

285. SHRI KAMAL MORARKA : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether the Island Development Authority has decided to set up a biosphere reserve in Great Nicobar Island; and

(b) if so, what are the salient feature thereof ?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z.R ANSARI) : (a) Yes, Sir. A Biosphere Reserve has been set up in Great Nicobar Island w.e f. 6.1.1989.

(b) The salient feature of the Biosphere Reserve are as follows :

(i) The total geographical area covered by the Biosphere Reserve will be 885 sq.kms. Out of this, there will be two core zones, one each of 520 sq.kms. and 185 sq.kms. respectively. The toal core zone will be 705 sq.kms.

(ii) It will have two buffer zones adjoining the respective core zones covering an area of 90 sq.kms. each. The total buffer zone will be thus, 180 sq. kms.

Non-traditional sectors

286. SHRI KAMAL MORARKA : Will the Minister of COMMERCE be pleased to state :

(a) whether it is a fact that non-traditional sector have emerged as major areas of export growth during the current financial year;

(b) if so, what are the details thereor; and

(c) what steps are proposed to sustain and improve this situation?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.R. DASMUNISHI): (a) Yes, Sir. (b) A Statement is attached. [*See* below]

(c) A series of initiatives have been taken to promote exports of all products including non-traditional items. These are designed to generate surpluses for exports, to induce the production of goods contemporary in technology and competitive in prices and to make the exports profitables. It is expected that these measures would not only sustain but also further improve the situation.

Statement

(Value : Rs.)

Commodities	April-Sept. 1987 (P)	April-Sept 1988 (P)	Absolute Change	Percentage Change
M lucts	258.00	290 63	+32.63	+12.6
F Garments	779.37	879.78	+100.41	+12.9
L ather & leather Mfrs.	491.31	695.63	+204.32	+41.6
Chemical & related Products	329.67	687.46	+357.79	+108.5
Gems & Jewellery	1251 17	1845.42	+594 25	+47.5
Sports Goods	9.94	31.88	+21.94	+220.7
Engineering Goods	606.89	961.78	+354.89	+58.5
Total.	3726.35	5392.58	+1666.23	+44.7
Total Exports:	7411.26	8986.92	+1575.66	+21.3

P : Provisional
Source DGCI&S, Calcutta

Conducted by the Officials of The Income Tax Department

287. SHRI YASHWANT SINHA:
SHRI BEKAL UTSAHI:
SHRI ISH DUTT YADAV:

Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that several raids were conducted by the officials of the Income Tax Department all over the country on the 18th January, 1989 to unearth undisclosed income;

(b) if so, what are the details of cash, jewellery and other incriminating documents seized during these raids and also the detail's of persons from whose premises such materials were seized;

(c) whether it is also a fact that four major builders of Bombay were arrested in this connection;

(d) whether it is also a fact that ten

premises of a Jalgaon M.L.A. were searched and several crores of rupees were seized; and

(e) if so, what are the details thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) Yes, Sir.

(b) During these searches, *prima facie* unaccounted assets of approximate value of Rs. 308.80 lakhs were seized, besides several incriminating documents, indicating tax evasion. During the course of these searches, the persons searched have admitted concealment of income aggregating to Rs. 755.52 lakhs. The names of the persons/groups searched are given in the statement (*See* below).

(c) No, Sir, In fact, there is no provision in the Income-tax Act for arrest of person during the course of the search.

(d) and (e) Searches were conducted at four premises of Shri Suresh B. Jain, M.L.A., Jalgaon These consist of one residential premises each at Bombay and Jalgaon and two office premises at Jalgaon. The searched did not result in seizure of any valuable assets from any of the premises.

Statement

Place	Name of the Group/ Person Searched
1	2
Bombay	M/s. Shanti Builders.
Bombay	M/s. Dholakia Builders.
Bombay	M/s. Ajmera Builders.
Bombay	M/s. Duttani Construction.
Bombay	M/s. Conwood Construction.
Bombay	M/s. R.N.A. Builders.
Bombay	M/s. Jain Group (including Shri Suresh B. Jain)
Delhi	M/s. Competent Construction Co.
Delhi	M/s. Mohan Construction Co.
Delhi	M/s. Anand Raj Agencies.
Delhi	M/s. Rajendra Builders.
Delhi	M/s. Jaina Group
Delhi	M/s. Unitec Ltd.
Delhi	M/s. Salwan Const. Ltd.
Delhi	M/s Chawla Traders Ltd.
Delhi	M/s. B.R. Arora Group.
Delhi	M/s. Shalimar Sales Corporation.
Delhi	M/s. Paras Nath & Associates.
Delhi	M/s. Gaurav Investment Ltd.
Delhi	M/s. R.P.S. Investment Ltd.
Delhi	M/s. Jainco Properties Ltd.
Delhi	M/s. Aggarwal Associates (P) Ltd.
Delhi	Mr. Mahendra Jain.
Delhi	M/s. A.K.T. & Associates
Delhi	M/s. Monga Consultancy Ltd.
Delhi	S.S. Jaspal
Delhi	Satya Chowdhary
Delhi	M/s. Shaukat Rai Malhotra.
Delhi	M/s. Dream City Builders (P) Ltd.
Calcutta	M/s. D.C. Paul & Sons.
Calcutta	M/s. Modern Group Design.
Calcutta	M/s. H.K. Sen & Associates.
Calcutta	M/s. Baid Group.
Calcutta	M/s. Duftory Group.
Calcutta	M/s. Khadim Group.
Bangalore	Gopalan Associates.
Goa	Kamath Construction (P) Ltd.
Cuttack	Chitta Pd. Ghosh.
Cuttack	Chowdhury K.C. Das.
Cuttack	J.C. Budhraja and others.
Bhubaneshwar	B.B. Jena

1	2
Guwahati	Janaki Jain & Jhumarmal Jain and others.
Ahmedabad	Hasmukhlal K. Shah.
Surat	Thakorbhai Manchabhai.
Surat	Vishnubhai Doriwalla.

Suppression of violation of FERA case

288. SHRI D.B. CHANDRE GOWDA: Will the Minister of FINANCE be pleased to state:

(a) whether the Enforcement Directorate has suppressed one of the most sensational and biggest of the FERA violation cases recently as reported in the Indian Express of the 25th December, 1988;

(b) whether a leading businessman of Old Delhi, Mr. Dhiraj Dhar Gupta has operated an unauthorised account in foreign exchange with National Westminster Bank, London; and

(c) if so, what are the facts of the case as reported in the press and action contemplated by Government against the businessman?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) No, Sir.

(b) and (c) After completion of investigations, the Directorate of Enforcement (FERA) has initiated adjudication proceedings against Shri D.D. Gupta by issue of a Show Cause Notice for alleged violation of the provision of Section 8(1) of FERA, 1973 for maintaining and operating a bank account abroad.

Income-tax raids at the premises of an export house and petrol pump in Delhi

289. SHRI D. B. CHANDRE GOWDA: Will the Minister of FINANCE be pleased to state:

(a) whether the Income tax Department has conducted raids at the premises of an export house and a petrol pump owner in Delhi on 9th December, 1988 and seized crores of rupees, valuables and incriminatory documents, etc.;

(b) if so, what are the details of the owner of export house and petrol pump on which raids were conducted and details of articles etc., seized; and

(c) the action contemplated by Government against the owner of export house and petrol pump?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) No, Sir.

(b) and (c) Do not arise, in view of reply furnished at (a) above.

M/s. Hansa deluxe hotel in Karol Bagh

290. SHRI BHAGATRAM MANHAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that M/s. Hansa Deluxe hotel at Saraswati Road, Karol Bagh, New Delhi is being run without obtaining any licence from the police; and

(b) if so, what action has been taken against the proprietor in this regard and what steps are being taken to immediately stop the functioning of this hotel?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir.

(b) M/s. Hansa Deluxe Hotel at Saraswati Road, Karol Bagh, New Delhi has been functioning since Sept. 1988. The Hotel Management has been prosecuted 7 times U/s 28/112 Delhi Police Act.

Arrests in capital for spying activities

291. SHRI D.B. CHANDRE GOWDA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the CBI has arrested some persons in the Capital during January, 1989 in connection with their alleged involvement in spying activities;

(b) if, so, the details of the persons arrested in this connection; and

(c) the action contemplated by Government against the persons involved therein?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir.

(b) Lt. Gen. (Retd.) Nirmal Puri was arrested on 6th January, 1989 under sections 3 and 5 of the Official Secrets Act, 1923. Shri Vinod Kumar Khanna, Chairman M/s. Concord International Pvt. Ltd. was also arrested on 25-10-88 in this case.

(c) On completion of the investigation under the provisions of Official Secrets Act, 1923, a complaint has been filed by the CBI in the Court of Chief Metropolitan Magistrate Delhi on 8-2-89 for the prosecution of Lt. Gen. (Retd.) Nirmal Puri and Vinod Kumar Khanna under Section 120-B IPC read with sections 3 and 5 of Official Secrets Act, 1923. The Court has taken cognizance of this case and the same is pending trial.

Central Directions on Pollution Control to States

292. SHRI HARVENDRA SINGH HANSPAL: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Central Government have directed the State Governments to set up working groups to review the status of pollution control in different industries;

(b) if so, what are the details of the steps taken by the State Governments in the matter;

(c) whether Government also propose to set up prototype unit for recycling of wastes for manufacture of useful products; and

(d) if so, what are the details thereof?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): (a) and (b) The Government of India have requested the State Governments to form State Level Coordination Committees for the management of hazardous substances. So far 14 States/Union Territories (Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Orissa, Rajasthan, Tamilnadu, Uttar Pradesh and Delhi) have formed such Committees.

(c) and (d) Delhi Administration has taken up a project for setting up of six units for manufacture of fly-ash bricks.

Opening of Bank Branches in the Rural Areas

293. SHRI HARVENDRA SINGH HANSPAL: Will the Minister of FINANCE be pleased state:

(a) whether Government have directed the commercial banks to keep pending, opening of new branches in urban and metropolitan areas till requirements in rural and semi-urban areas are met;

(b) if so, what are the details of the commercial banks which have followed the directives of Government and opened branches in the rural areas; and

(c) what are the details of locations in rural areas where commercial banks have

opened branches and by when the banks will achieve the target of opening branches in the rural areas of the country?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) to (c) Reserve Bank of India (RBI) has reported that it has not issued any directions to commercial banks to keep pending the licences in respect of centres in urban and metropolitan areas till the requirements in rural and semi-urban areas are met. However, the banks are advised to open branches at rural and semi-urban centres on priority. RBI upto 31.1.1989 has allotted 5966 eligible rural and semi-urban centres for opening branches under the current Branch Licensing Policy for 1985-90 and banks had opened branches at 2627 such centres. RBI has advised the banks to open branches at the remaining rural and semi-urban centres expeditiously preferably by 31.3.1989 with a view to implementing the Service Area Approach to rural lending.

Curbing of Black Money

294. SHRI HARVENDRA SINGH HANSPAL: Will the Minister of FINANCE be pleased to state:

(a) whether Government have made any efforts during the past few months to combat the menace of black money in the country;

(b) if so, what are the details of the steps taken in this regard; and

(c) what further steps Government contemplate to combat this menace?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) to (c) Combating tax evasion is a continuous process and the Government takes necessary legislative and administrative measures from time to time to curb generation, growth and use of black money. Some of the measures which are taken by the Income-tax Department are systematic survey operations, search and seizure operations in appropriate cases, verification of information by the Central Information Branches in a planned manner and in-depth investigation in a manageable number of selected cases.

In addition to the above steps, it is proposed to further augment the strength of officers at senior level in the Investigation Wing of the Income-tax Department for intensifying the efforts to combat tax-evasion.

Montreal Protocol on Environment

295. SHRI DHULESHWAR MEENA: SHRI BIR BHADRA PRATAP SINGH:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Montreal Protocol limiting the production and emission of substances which deplete the Ozone layer has been signed by India;

(b) if not, what are the reasons therefor;

(c) whether the views of the other Departments such as Defence, Petrochemicals and the DGTD have been obtained on the above Montreal Protocol;

(d) if so, what are their reactions; and

(e) how many other countries have so far signed the above Protocol and whether India has attended the Conference as an Observer and if so, what is Government's reaction thereto ?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI): (a) No, Sir.

(b) to (e) India had attended the Montreal Conference as an observer. The stand of the Government of Indian is being finalised in consultation with the various concerned departments. Till the end of December 1988, 28 countries and the European community have signed the Protocol.

Evasion of Taxes by M/s. Pal Synthetics Private Limited Bombay

296. SHRI BIR BHADRA PRATAP SINGH: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that M/s. Pal Synthetics Private Limited, Plot No. 41, Marol Ind. Co-op. Society, Andheri (East), Bombay have evaded excise duty customs duty and income tax on yarn during the last three years;

(b) if so, what are the details in this regard and what action has been taken to recover the excise, customs duty and income-tax from the company; and

(c) whether it is also a fact that the Directors of the company have purchased properties at 503, Hill-N-Sea , 72, Pali Hill Road, Bombay without obtaining the clearance under Section 37-I of the Income Tax Act, and if so, what action has been taken in this regard and what is the source of funds raised for the purchase of property ?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA): (a) and (b) No case of evasion of Central Excise duty, Customs duty and Income-tax by M/s. Pal Synthetics Private Limited has come to the notice of the tax' duty assessing authorities.

(c) Information is being collected and will be laid on the Table of the House.

Wiping out of farmers' debt in Maharashtra

297. SHRI PRAMOD MAHAJAN: Will the Minister of FINANCE be pleased to state:

(a) whether the Central Government are aware of the decision of Maharashtra Government to wipe out a portion of the farmers' debt and rescheduling the same; and

(b) if so, what is the Central Government's reaction thereto?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) Yes, Sir. The State Government of Maharashtra had reported that certain decisions were taken by them with a view to lessen the burden of farmers, landless labourers and Adivasis through a package of remission of Government dues, freezing of interest dues and reschedulement of principal alongwith interest due to cooperative credit institutions.

(b) The consistent stand of Reserve Bank of India and Central Government in this regard has been that generalised waivers of write off of loans through whatever modality, irrespective of the merits of each case, harm the rural credit system.

12.00 NOON

PAPERS LAID ON THE TABLE

Notification of the Ministry of Home Affairs publishing the Governors (Allowances and Privileges) Amendment Rules, 1989

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Sir, I beg to lay on the Table, under sub-section (3) of section 13 of the Governors

(Emoluments, Allowances and Privileges) Act, 1982, a copy (in English and Hindi) of the Ministry of Home Affairs Notification G.S.R. No. 70(E), dated the 1st February, 1989, publishing the Governors (Allowances and Privileges) Amendment Rules 1989.
[Placed in Library, *see* No. LT-732689]

Reports and Accounts of the various Regional Rural Banks (for the year ended the 31st December, 1987) and related papers.

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B.K. GADHVI): Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

(1) Annual Reports and Accounts of the following Regional Rural Banks for the year ended the 31st December, 1987, together with the Auditors' Report on the Accounts:—

(i) Bikaner Kshetriya Gramin Bank, Bikaner. [Placed in Library. *See* No. LT-729989]

(ii) Hazaribagh Kshetriya Gramin Bank, Hazaribagh. [Placed in Library. *See* No. LT-7300/89]

(iii) Kalahandi Anchalika Gramya Bank, Bhawanipatna. [Placed in Library. *See* No. LT-7263/89]

(iv) Koraput Panchabati Gramya Bank, Jeypore. [Placed in Library. *See* No. LT-7252/89]

(2) Explanatory Memorandum on the amendments to the First Report* of the Ninth Finance Commission. [Placed in Library. *See* No. LT-7301/89]

Notifications of the Ministry of Finance (Department of Economic Affairs) and related papers.

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B.K. GADHVI): Sir, I also beg to lay on the Table the following papers:

I. (1) A copy each (in English and Hindi) of the following notifications of the Ministry of Finance (Department of Economic Affairs), under section 48 of the Life Insurance Corporation Act, 1956:—

(i) G.S.R. No. 1116(E), dated the 2nd December, 1988, publishing the Life Insurance Corporation (Amendment) Rules, 1988.

(ii) G.S.R. No. 1166(E), dated the 9th December, 1988, publishing amendments to the Life Insurance Corporation of India (Staff) Regulations, 1960

(2) Explanatory Memorandum (in English and Hindi) on the Notification mentioned at (1) (ii) above. [Placed in Library. *See* No. LT-723389 for (1) and (2)]

A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Economic Affairs), under section 17A of the General Insurance Business (Nationalisation) Act, 1972, together with explanatory memoranda to the Notifications:—

(i) S.O. No. 1160(E), dated 9th December, 1988, publishing the General Insurance (Rationalisation and Revision of Pay Scales and other Conditions of Service of Supervisory, Clerical and Subordinate Staff) Amendment Scheme, 1988.

(ii) S.O. No. 1161(E), dated the 9th December, 1988, publishing the General Insurance (Termination, Superannuation and Retirement of Officers and Development Staff) Amendment Scheme, 1988.

[Placed in Library. *See* No. LT-7234/89 for (i) and (ii)]

III. A copy (in English and Hindi) of the Ministry of Finance (Department of Economic Affairs), Notification S.O. No. 3350, dated the 12th November, 1988, publishing the exceptions, restrictions and limitations to section 27B(3) of the Insurance Act, 1938, under section 35 of the General Insurance Business (Nationalisation) Act, 1972. [Placed in Library. *See* No. LT-7235/89]

Notification of the Ministry of Finance (Department of Revenue) under section 296 of the Income Tax Act, 1961

SHRI B.K. GADHVI: Sir, I also beg to lay a copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue), under section 296 of the Income Tax Act, 1961:—

(i) S.O. No. 182, dated the 28th January, 1989, granting exemption to "Maharashtra State Women's Council, Bombay" for the purpose of the said Act for the assessment year 1988-89.

(ii) S.O. No. 183, dated the 28th January, 1989, granting exemption to "The Indian Silk Export Promotion Council, Bombay" for the purpose of the said Act for the assessment years 1985-86 to 1988-89.

(iii) S.O. No. 184, dated the 28th January, 1989, granting exemption to "Andhra Mahila Sabha Hyderabad for the purpose of the said Act for the assessment year 1988-89.

(iv) S.O. No. 185, dated the 28th January, 1989, granting exemption to "Institute of Animal Health and Veterinary Biologicals, Bebbal, Bangalore" for the purpose of the said Act for the assessment years 1987-88 and 1988-89.

(v) S.O. No. 186, dated the 28th January, 1989, granting exemption to "Swami Ramananda Tirtha Memorial Committee, Hyderabad" for the purpose of the said Act for the assessment years 1984-85 to 1988-89.

(vi) S.O. No. 187, dated the 28th January, 1989, granting exemption to "Krishnamurti Foundation India, Madras" for the purpose of the said Act for the assessment year 1988-89.

(vii) S.O. No. 188, dated the 28th January, 1989, granting exemption to "Sangit Mahabharati, Bombay" for the purpose of the said Act for the assessment years 1986-87 to 1988-89.

(viii) S.O. No. 189, dated the 28th January, 1989, granting exemption to "The Bharat Scouts & Guides" for the purpose of the said Act for the assessment year 1988-89.

(ix) S.O. No. 190, dated the 28th January, 1989, granting exemption to "Organisation of Pharmaceutical Producers of India" for the purpose of the said Act for the assessment year 1988-89.

(x) S.O. No. 191, dated the 18th January, 1989, granting exemp-

tion to "Sarat Samity, Calcutta" for the purpose of the said Act for the assessment years 1985-86 to 1988-89.

(xi) S.O. No. 192, dated the 28th January, 1989, granting exemption to "Jahangir Art Gallery, Bombay" for the purpose of the said Act for the assessment years 1983-84 to 1988-89.

(xii) S.O. No. 193, dated the 28th January, 1989, granting exemption to "Divine Light Trust for the Blind, Bangalore" for the purpose of the said Act for the assessment years 1987-88 to 1988-89.

(xiii) S.O. No. 194, dated the 28th January, 1989, granting exemption to "Khelaghar Shishu Nivas Shiksha Kendra, Calcutta" for the purpose of the said Act for the assessment years 1988-89 and 1989-90.

(xiv) S.O. No. 195, dated the 28th January, 1989, granting exemption to "Karnataka State Seed Certification Agency, Bangalore" for the purpose of the said Act for the assessment year 1987-88 to 1989-90.

(xv) S.O. No. 196, dated the 28th January, 1989, granting exemption to "West Zone Cultural Centre, Udaipur, Rajasthan" for purpose of the said Act for the assessment years 1987-88 to 1989-90.

(xvi) S.O. No. 197, dated the 28th January, 1989, granting exemption to "Sanjay Gandhi Memorial Trust, New Delhi" for the purpose of the said Act for the assessment year 1989-90.

(xvii) S.O. No. 198, dated the 28th January, 1989, granting exemption to "The Tata Agricultural and Rural Training Centre for the Blind" for the purpose of the said Act for the assessment year 1988-89.

(xviii) S.O. No. 199, dated the 28th January, 1989, granting exemption to "The Children's Book Trust, New Delhi" for the purpose of the said Act for the assessment years 1985-86 to 1988-89.

(xix) S.O. No. 200, dated the 28th January, 1989, granting exemption to "The Motilal Memorial Society, Lucknow" for the purpose of the said Act for the assessment year 1988-89.

(xx) S.O. No. 201, dated the 28th January, 1989, granting exemption to "Shree Gadge Maharaj Mission, Bombay" for the purpose of the said Act for the assessment years 1986-87 to 1988-89.

(xxi) S.O. No. 202, dated the 28th January, 1989, granting exemption to "All Bengal Women's Union, Calcutta" for the purpose of the said Act for the assessment years 1984-85 to 1988-89.

[Placed in Library. *See* No. LT-7213/89 for (i) and (xxi)]

Notifications of the Ministry of Finance (Department of Revenue) under section 159 of the Customs Act, 1962 and related papers.

SHRI B.K. GADHVI: Sir, I also beg to lay: (1) A copy each (in English and Hindi) of the following Notification of the Ministry of Finance (Department of Revenue), under section 159 of the Cus-

toms Act, 1962:—

(i) G.S.R. No. 1148(E), dated the 5th December, 1988, amending Notification No. 205/84-Customs dated the 20th July, 1984, so as to substitute the "14. Zip fasteners and parts thereof".

(ii) G.S.R. No. 1149(E), dated the 5th December, 1988, amending Notification No. 5/85-Customs dated the 7th January 1985, so as to substitute for the words "Zip fasteners" by the words "Zip fasteners and parts thereof".

(iii) S.O. No. 1205(E), dated the 27th December, 1988 laying down the rates of exchange for conversion of certain foreign currencies into Indian currency or *vice-versa* in supersession of Notification No. 64/NT-Customs [S.O. No. 892(E)], dated the 27th September, 1988.

(iv) G.S.R. No. 1216(E), dated the 28th December, 1988, amending Notification No. 116/88-Customs dated the 30th March, 1988, so as to the holder of an Advance Licence can transfer his resultant manufactured product to another Advance Licence holder who uses it as an intermediate product for export production.

(v) G.S.R. No. 1230(E), dated the 30th December, 1988, amending Notification No. 132-Customs dated the 2nd July, 1980 so as to add one more product of Nepalese origin to the list of items which qualify for preferential entry into India in terms of the Indo-Nepal Treaty of Trade, 1978. This item would be exempt, when imported from Nepal into India, from basic and auxiliary duties of customs

(vi) G.S.R. No 1231(E), dated the 30th December, 1988, amending Notification No. 132-Customs dated the 2nd July, 1980, so as to add one more product of Nepalese origin to the list of items which qualify for preferential entry into India in terms of the Indo-Nepal Treaty of Trade, 1978. This item would be exempt, when imported from Nepal into India, from basic and auxiliary duties of customs.

(vii) G.S.R. No. 1232(E), dated the 30th December, 1988, amending Notification No. 132-Customs dated the 2nd July, 1980 so as to add two more product of Nepalese origin to the list of items which qualify for preferential entry into India in terms of the Indo-Nepal Treaty of Trade, 1978. These items would be exempt, when imported from Nepal into India, from basic auxilliary duties of customs.

(viii) G.S.R. No. 3(E), dated the 5th January, 1989 amending Notification No. 132—Customs dated the 2nd July, 1980 so as to add one more product of Nepalese origin to the list of items which qualify for preferential entry into India in terms of the Indo-Nepal Treaty of Trade, 1978. This item would be exempt, when imported from Nepal into India, from basic and auxiliary duties of Customs.

(2) Explanatory Memoranda (in English and Hindi) on the Notifications mentioned at (iii) to (viii) above. [Placed in Library. *See* No. LT-7212/89 for (1) and (2)]

Report of the Law Commission of India on Urban Litigation

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANSRAJ BHARDWAJ): Sir, I beg to lay on the Table a copy (in English and Hindi) of the One Hundred Twenty-ninth Report of the Law Commission of India on Urban Litigation—Mediation as Alternative to Adjudication. [Placed in Library. *See* No. LT-7302/89]

Report and Accounts (1987-88) of the Betwa River Board Jhansi and related papers.

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRIMATI KRISHNA SAHI): Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

(i) Tenth Annual Report and Accounts of the Betwa River Board, Jhansi, for the year 1987-88, together with the Audit Report on the Accounts, under sub section (1) of section 15 of the Betwa River Board Act. 1976.

(ii) Statement by Government accepting the Report and giving reasons for the delay in laying the paper mentioned at (i) above.

[Placed in Library. *See* No. LT-7303 / 89 for (i) and (ii)]

I. Report and Accounts (1987-88) of the Basic Chemicals, Pharmaceuticals and Cosmetics Export Promotion Council, Bombay and related papers.

II. Report and Accounts (1987-88) of the Chemicals and Allied Products Export Promotion Council, Calcutta and related papers.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P R. DAS MUNSHI): Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

I. (a) Twenty-fifth Annual Report and Accounts of the Basic Chemicals, Pharmaceuticals and Cosmetics Export Promotion Council, Bombay, for the year 1987-88, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Council.

[Placed in Library. *See* No. LT-7305 / 89 for (a) and (b)]

II. (a) Thirtieth Annual Report and Accounts of the Chemicals and Allied Products Export Promotion Council, Calcutta, for the year 1987-88, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Council.

[Placed in Library. *See* No. LT-7304/89 for (a) and (b)]

Notifications of the Ministry of Home Affairs

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I beg to lay on the Table, under section 148 of the Delhi Police Act, 1978, a copy each (in English and Hindi) of the following Notifications of the Ministry of Home Affairs:—

(i) No. F. 5/46/84-Home(P) Estt. dated the 16th May, 1988, publishing the Delhi Police (Appointment and Recruitment) (Amendment) Rules, 1988.

(ii) No. F. 5/132/81-Home (P) Estt. dated the 22nd July, 1988 publishing the Delhi Police (Punishment and Appeal) (Amendment) Rules, 1988.

[Placed in Library. *See* No. LT-7370 / 89 for (i) and (ii)]

REPORT AND MINUTES OF THE COMMITTEE ON PUBLIC UNDERTAKINGS

SHRI A. G. KULKARNI (Maharashtra): Sir, I beg to lay on the Table a copy (in English and Hindi) of the Fifty-first Report of the Committee on Public Undertakings on Air India—Fare aspect and Minutes of the sittings of the Committee relating thereto.

[**The Deputy Chairman** in the chair]

SHORT DURATION DISCUSSION

Re. Settlement arrived at between the Government of India and The Union Carbide Corporation regarding payment of compensation to the victims of the Bhopal gas tragedy— *(Contd).*

SHRI BAHARUL ISLAM (Assam): Madam Deputy Chairman, yesterday observations were made against the settlement in the Union Carbide case in the Supreme Court and also some suspicions were raised against the conduct of the Bench of the Supreme Court and also insinuations were made against the Union of India.

To my mind, the settlement that took place was absolutely normal from a lawyer's point of view and from a Judge's point of view; there was nothing abnormal. If suspicions are raised, they can be raised. Three serious questions were raised by Mr. Vajpayee, Mr Gurupadaswamy and Mr. Sukomal sen. I will try to meet them, but I give the warning that if a person does some act which appears to be suspicious, his friend never asks for an explanation, but if an explanation is given, his foe will never accept his explanation Even then, I will never think that my three honourable friends—whose names I have mentioned—are our foes. They are our friends and I will try to convince them.

At the outset I would like to say that a case of this magnitude possibly has not taken place not only in India but in any other part of the world. A couple of similar cases, of much lesser magnitude, took place in the USA and those two cases also ended in a compromise But this is such a big case in which a huge number of persons preferred claims for compensation for loss of human lives, for injury to human lives, deaths of animals, injury caused to animals, property, business and the like. In this particular case the number of claimants was a staggering figure of six lakhs. Six lakhs of human lives were affected. About 2,500 or so were dead, The rest were injured, some of them permanently disabled for life, and some not so seriously injured. So, this was a case of a great magnitude. When such a case is filed, the claimants never expect that the suit will be pursued and that in regular course of time a decree will be obtained. This is a near impossibility. I will tell you why. Six lakh claimants means six lakh cases. Six lakh claimants will have to prove their claims. Nearly 3,000 persons died. About 30,000 to 40,000 persons were injured in this case. When about 3,000 persons died, their heirs will come, and they will have to say that their predecessors died. The other party is not going to accept the death. They will say, "Certainly not. There was no such person at all existing in Bhopal." You will have to prove it. Somebody will say that such and such a man was not in Bhopal at that time. You have to prove it. So, for proving six lakhs of cases the claimants will have to bring not less than three lakhs into three, that

is at least 18 lakhs of witnesses; and to negative their claim, the other party, namely, the Union Carbide which has to defend in any case, will have to bring an equal number of witnesses, if not more, to deny the charges. So, for any judge, to try a case in which there are six lakhs of claimants, 36 lakhs of witnesses, if not more—doctors, medical people, health officers, district magistrates and witnesses from the USA, from India, expert witnesses, it is almost an impossible task. Therefore, such cases are filed always never with the hope of pursuing the case to the end and getting a decree but with the expectation that a compromise will take place and that they will get some money. This is natural and should be so Therefore, in the two cases that have been referred to, that had taken place in America also, a compromise took place. It was natural Therefore, there is absolutely nothing suspicious about the compromise.

Mr. Vajpayee said in a very dramatic manner that the Judges had retired to their chamber and that they came out and dramatically said, "We offer $470 million. Please accept it.", and that both the lawyers immediately accepted that. He said that this was very surprising and suspicious. No. May I read the first paragraph of the preamble of the order itself? There is nothing suspicious Judges are not automatons, Judges are not taperecorders recording the arguments of the lawyers. They are not computers which will display only what has been fed to them. They are human beings. They have got their own minds. Their minds go on working. Judges come ready with the record. They do their homework. Form the time they do the homework, their brain starts functioning. They come to court. They hear argument. When the argument is going on, their brain is also working, acting, reacting to questions and answers and so on So, during the course of that argument, possibly the internal evidence of the order will show that there must have been offers and counter-offers of compromise amounts. This preamble it- self will show:

> "Having given our careful consideration for these several days...."

Possibly two months with some vacation and holidays.

> "....to the facts and circumstances of the case place before us by the parties of these proceedings including the pleadings of the parties, the massive data placed before us...."

There were volumes of documents, I was told that the briefs were so heavy that the Judges could not carry them home. The evidence was so voluminous. Practically a truckload of documents were brought

> "....The meterial relating to the proceedings in the courts in the United States of America, offers and counter-offers...."

These offers and counter-offers may be outside the court, may be inside the court, possibly inside the court.

> "... made between the parties at different stages during the various proceedings as well as complex questions raised...."

Complex questions of facts may be, suppose a decree is passed here. Originally the case was filed in the USA. It was returned to India. An insinuation has been made as to why this case was brought into India? Why did we file the case in America? It was filed in America for the following reason. There are two branches of the UCC in India. One is in Bhopal and the other is in Maharashtra. Their total assets in India, I am told, amount to about Rs. 50 crores and the demand is much more. The case was filed in America because the claim was more than their total assets in India. With that hope it was filed there. But the judges there said that it should be filed in India. That was how it came here to India. it was filed before the District Judge of Bhopal.

Now when the decree would be passed here, it would be a foreign decree and when it goes for execution in USA then the question would be raised whether a foreign decree of India can be executed. Then so many legal questions would come up. "So keeping in view the questions of law and facts placed before us, the submissions made thereon, and in particular looking to the enormity of the human sufferings occasioned by the Bhopal gas disaster and the pressing urgency to provide immediate and substantial relief to the victims of the disaster, we are of the opinion" etc, etc.

Now, what was going on during the course of the argument, to my mind, was this I already started by saying that the mind of the judges went on functioning. These were the ideas that came up in their mind. One was the enormity of the case and near impossibility on the part of the claimants to prove their case. Two, even if this case was allowed to go on, this was in the preliminary stage against an interim order and the cases were lying before the Supreme Court. Now the cases can be remanded because the cases came to the Supreme Court only against order of granting interim relief of Rs. 350 crores granted by the District Judge. That was an appeal against the High Court. Then the High Court reduced it to Rs 250 crores. Against that both the parties came to the Supreme Court with special leave petition for an interim order under Article 136 of the Constitution. Now, if the case is again sent to District Judge, you consider the amout of time that the District Judge will take to pass a decree. if it is possible. I said in the beginning that it was a near impossibility, If he passes a decree, then there will be an appeal, first to the High Court. And how many years will the District Judge take? As I indicated about the enormity of the case, quite a long time he would take Ultimately, if the decree is passed, if he is a alive, he may have retired or may not be in existence, so much time will be taken. Then first it will be in the High Court. Then it will be pending there for five to six years, because all High Court are overloaded with cases. In an earlier speech I said several lakhs of cases were pending before the High Court. Even with the best of intentions the Bhopal High Court will not be in a position to take it up immedately. So, there will be five to six years' delay in the High Court. Then a decree is passed by the High Court and parties come to the Supreme Court. It will take another five to six years. I have told this hon. House in an earlier speech that one of the cases in the Supreme Court two or three years back was seventeen years old. Therefore another ten to fifteen years in the Supreme Court. Suppose ultimately the Supreme Court passes a final decree, then it will go back to the trial court or to America for execution. For execution also an order will be passed. Then there will be an appeal, then revision and so on and so forth. Again it will come to the Supreme Court and there again it will take another ten to fifteen years. So, this way the total time consumed would be about 30 to 40 years. This must have been in the mind of the Supreme Court. In short the points in the minds of the judges must have been: One, near impossibility of the proof of the case; two, enormity of the case; three, these people are suffering and they need money immediately. So why not go in for a compromise? Therefore, they must have been proposing time and again for a compromise and the parties came in for a compromise.

Now, regarding the suspicion, why did the judge make this proposal? Why can't he make this proposal? When these offers and counter-offers were going on, the Judges of the bench must say, why not compromise on this amount? There is nothing objectionable. It is done. That was how it took place.

I do not know whether this amount is adequate or inadequate, or a little too low, I do not know, because figures are not before me. But it is most welcome, if the Supreme Court *suo motu* reviews the case; for two reasons, I say, because the hon. members of the Opposition who

spoke before me yesterday have said "How do you quash these criminal cases?" I have also my reservations on this. So many lives were lost, so many people died The criminal complaints are not before me under which provision of law these criminal cases are filed. It may be 304A, may be 268, 269, etc etc But section 320 of the Criminal Procedure Code enumerats those cases which can be compounded. The cases that can be envisaged do not appear to be compoundable. If these cases were not compoundable, then even the Supreme Court cannot quash these cases. I do not know. I am not quite sure. I do not know under which penal provision these criminal cases were filed. If these criminal cases were not compoundable, well and good. If these criminal cases were not compoundable, then, they could not be quashed like this. So for these reasons it the Supreme Court *suo motu* reviews this order, that will be most welcome, if the amount is raised by a few more million dollars and also if it is seen that the cases cannot be compounded may be allowed to proceed. That will be most welcome. But I have already indicated there is absolutely nothing sinister in this compromise. It was most normally done with the best of intentions and in a case like this, as I have already indicated, compromise is the only natural thing and for this purpose we must not raise any suspicion against the court.

I admire the honourable Judges of the Constitutional Bench of the Supreme Court and also counsels of both the parties for effecting a compromise. If the amount is low, let the Supreme Court review its order *suo motu* and raise the amount if it is possible under the circumstances of the case and also see if the cases which cannot be compounded may continue. Madam, these are my submissions.

DR G. VIJAYA MOHAN REDDY (Andhra Pradesh) : Madam Deputy Chairman, I will try to confine myself to the shortest possible time. This Government always begins with a bang and ends with a whimper. From $32 billion, Rs. 4,300 crores they have come to Rs. 705 crores. Just because of this thousands of survivors of the Bhopal gas disaster demonstrated in front of the Supreme Court. At least 8 demonstrators suffering from respiratory disease caused by the gas leakage from the Carbide plant collapsed and were admitted to the Ram Manohar Lohia Hospital. Some eminent lawyers demanded review of the Supreme Court decision at a meeting organised by the Indian Lawyers Association. Prof. Upendra Baxi has said : "The Supreme Court judgement should be morally repudiated." The former Chief Justice of the Delhi High Court, Rajindra Sachchar has said : "There should not have been this hurry." The order to pay Rs. 705 crores in full and final settlement of all the claims of the victims of the world's worst industrial disaster in Bhopal has evoked widespread indignation and protest in the country. The feeling of disappointment of the quantum of compensation after four years of the protracted legal battle against the U.S. multi-national unwilling to own its responsibility for the dead and the maimed has grown into a sense of betrayal. An impression has gained ground that in making its order, the Supreme Court allowed itself to be used for legitimising a pre-meditated deal between the Government and the UCC.

The *Washington Post* has stated :

"Had the Bhopal accident happened in the United States the cost of compensation would have run into billions and billions of dollars. Life is cheap in India. That, at last, was the foundation of Union Carbide's legal strategy", the paper says. Apart from arithmetic, the out-of-court-settlement, will make the question of fixing moral and ethical responsibility impossible. Even today, the exact nature of the gas which leaked is not known. There is a question mark about it. The Supreme Court appointed a 7-member Committee of doctors to investigete this and also the panel set up by the

Indian Council of Medical Research had to be wound up, of all things, for lack of funds. The experts who went into the issue gave a dissenting verdict, where, on the refusal of the Union Carbide to reveal the details on the plea of commercial secrecy, the exact nature of gas leak remained in doubt. Even the Sodium Thiosulphide liquid to detoxify the victims had to be discontinued subsequently. The presence of cancer causing material has now been confirmed. This apart, the present settlement has been prompted by the declaration of the Union Carbide Chairman, Mr. Warren Anderson as an absconder. Apart from the fact that the multinationals were using the third world countries to store and manufacture chemical weapons or other dangerous materials, the question of their liability in host countries remain unanswered. On the third anniversary of the tragedy and in the background of major publicity blitz by the Union Carbide, the Government had appeared ready to accept the company offer of 600 million dollars. This had evoked strongest protest from academics, jurists, public-spirited citizens. One of them, former Chief Justice, Shri P.N. Bhagwati, echoing the views of the many, wrote to the Prime Minister, pointing out that the amount would be wholly inadequate in relation to the victims, medical needs and nowhere near the compensation which they ought to get for the grave injuries; immediate and potential, suffered by them and intense pain and sufferings to which they have been subjected. He had pointed out that the Manville Corporation had offered 2.5 billion for an estimated 6,000 claims for damage caused by asbestos. As the asbestosis will not cause death, it will injure the lungs and in the long run, there may be infection. Mr. Justice Rajindra Sachchar and Mr. Haksar, have stated in a statement in 1987 that an arbitrary settlement, not premised on admission of liability by the Union Carbide, could have grave consequences not just for the victims, but also for all those similarly placed in the third world, for whom Bhopal settlement will become a benchmark. Look at the way the Government has been conducting its work. The State Government had appointed a one man commission under the chairmanship of Justice N.K. Singh to proble into the gas tragedy. An official notification was issued on February 14, 1985. However, the Commission was wound up in the second week of December 1985 without doing any work. The CBI which on date has been unable to complete the investigation, has sued the UCC former Chairman, Mr. Warren Anderson and eight Indian Executives of UCIL for culpable homicide. A chargesheet was filed but nothing has been followed by them. What is the reaction all over the world? A spokesman for Union Carbide Corporation has said, the Supreme Court judgment on Bhopal Gas tragedy, will cost the company only 50 cents per share and will be charged against its reported earnings in 1988. Only 50 cents per share. And the share value has jumped, immediately after hearing the court decision, by two dollars and 6.4 milllion shares of Union Carbide Company have changed hands because Union Carbide Company was making phenomenal profits. That is why when everybody is saying it, some of the Treasury Benches are not saying that it is a disgraceful capitulation. Whatever may be the yardstick, the Government's decision to limit the claims of the Bhopal gas victims to only Rs. 719 crores amounts to a disgraceful capitulation. This is a failure to protect the victims' best interests and this is a betrayal of the trust that has been reposed in it. It is a singular failure of our legal system to do justice to the sufferers of what is believed to be the worst industrial accident of all times. That is why, Madam, I have quoted extensively from the press to bring out the facts and also to show that the citizens of this country are freely discussing the matter and there is nothing sub-judice as sought to be made by some Members of the Treasury Benches. The victims of the tragedy, after four years of suffering, fretting and swooning, have come in their thousands to tell the present Government and the Supreme Court

that they have been betrayed. Is this why the present Government has taken powers from Parliament by an enactment in 1985? On the one side, Union Carbide Corporation had proclaimed commercial secrecy and did not cooperate to tell what the gas was, what its chemical nature was, so that a line of treatment could be followed to cure the effects of this poison. This inhuman approach of the multinational which has treated the victims, the citizens of India, as experimental guinea-pigs has been tolerated by the present Government shamelessly. This Government, throughout the protracted negotiations has maintained a shroud of secrecy. At no stage the Parliament, the Opposition or even the victims of the tragedy, the sufferers, have been taken into confidence. I condemn this meek behaviour of the Government. Has the Government of India become so weak as not to carry out a rehabilitation programme costing Rs. 300 to 400 crores as suggested by the State Government which could be ajusted to the future payments by the multinational? This scheme should have taken shape immediately after the parliamentary enactment in 1985. Why was there no will to stand up against the multinational, come what may?

I deplore the attitude of some of the Members of the Treasury Benches that this was the best bargain that could be achieved against a multinational which could never be pinned down. *(Interruptions).*

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu) : Nobody has said that.

SHRI BAHARUL ISLAM : None of us has said so.

DR. G. VIJAYA MOHAN REDDY : By interruptions, my time is unnecessarily taken away.

If India cannot face a multinational of the USA after the greatest industrial tragedy of the world which the people of Bhopal, of Madhya Pradesh and India remember with a heavy heart, then what is the meaning of our sovereignty? The Parliament, the supreme body of the nation, which has given all the powers to this Government by an enactment should feel concerned. We are concerned. In the name of 4000 citizens who have already died, in the gas leak tragedy, of the 60,000 who are seriously suffering and of the half a million who are suffering and exposed to future disease. We question why the case pertaining to the cross appeals for interim relief had been given up and an arbitrary final settlement even before the liability of the tragedy has been fixed which would end all civil and criminal litigation for the present and future has been agreed to. Will this not deny the right of redressal of a victim for a future disease which might be established at a future day as could be expected as the gas has been proved to be carcinogenic? Will this not abrogate the fundamental rights to the future victims? How can the Parliament become a party to the abrogation of fundamental rights to the citizens?

The Government, for four years, has been maintaining strict secrecy and secrecy alone. And secrecies of this Government, you know, are secret deals only I agree with what Mr. Sukomal Sen has said. So I condemn this Government. I warn this Government to resign because they failed. It is a total failure all along the line. And they cannot take the excuse that the guns are firing well.

SHRI BAHARUL ISLAM: just by way of correction. From the Treasury Benches there were only three speakers, Mr. Bhandare, Mr. Anand sharma and myself. None of us said that this was the best bargain for the Government.

SHRIMATI JAYANTHI NATARAJAN: They never listened. Nobody ever wants to listen ...

THE DEPUTY CHAIRMAN: Now Mrs. Jayanthi Natarajan to speak. I think

in her speech she can repudiate whatever she wants to and keep the record straight.

SHRIMATI JAYANTHI NATARAJAN: I have been listening very carefully to the debate that has been going on on the question of ... *(interruption)* what did you say? .

THE DEPUTY CHAIRMAN: Please don't interrupt. Let her speak.

SHRIMATI JAYANTHI NATARAJAN: Their attitude shows one of amusement. If Mr. Sukomal Sen finds Bhopal tragedy very amusing, I can see him laughing. I don't like that.

I have been listening very carefully to the debate on the Bhopal question because it is a matter of deep concern ...

DR. G. VIJAYA MOHAN REDDY: Bhopal or Bofors?

SHRIMATI JAYANTHI NATARAJAN: We don't kill our MLAs, we don't sack our entire Cabinet in one day and take a jaunt to Delhi without anything happening in the State. And we don't wait for Naxalites to take over while your Chief Minister is loafing around Delhi. *(interruption)* if they are going to interrupt me, I am going to sit down. If I make a mistake, I do not mind ...

THE DEPUTY CHAIRMAN: Please don't interrupt. Let her speak. This is a serious matter. If we really feel that we have sympathy for those who are dead, let us be serious; think about those who have suffered.

SHRIMATI JAYANTHI NATARAJAN: I only interfered yesterday because I wanted to set the record straight. I never opened my mouth when Vajpayeeji was speaking. I was listening to him with great respect. When Vijapayeeji was speaking, I was listening to every word of his with great respect. But Mr. Gurupadaswamy said something wrong and I wanted to set the record straight. And he hurt me so badly. That was why I had to interrupt. *(interruption)* I too can play that kind of game. But that is not the kind of Congress culture. We want to make sure that the people get what they deserve. We don't indulge in cheap political gimmicks as they do there.

Now to come back to the debate,... *(interruption)*

THE DEPUTY CHAIRMAN: Mr. Reddy, will you please let us proceed with her speech? We will discuss the other things at leisure.

SHRIMATI JAYANTHI NATARAJAN. Even though, Madam, much has been said about the order passed by the Supreme Court. Right at the outset I would try to get the guidelines laid down whether it should be referred to or not, because, quite apart from the question of all the sufferings of the people of Bhopal and what compensation is due to them -- it is what we are really concerned with now, the whole country is concerned with now -- I was seriously concerned about the denigration of the institutions of the country and I am going to refer to it little later in my speech, which the Opposition is using for cheap political game. They referred to the highest court of the land, they used the highest court of the land, referred to Their Lordships in derogatory terms, just for cheap political game, entirely changing their stand which they had taken earlier. That is why I started by saying I had listened very carefully to what was being said, very carefully, yesterday. Vajpayeeji had tears in his eyes, he was so dramatic in putting across his point while the others put across their point in a more offensive way; one of them went as far as to insult me. After all that, if we sift wheat from the chaff, after we carefully consider what they said -- I went home last night carefully, considering all they said and asked myself this question, and I was reading in the newspapers this morning, have these people put a value on human life? All of you said, human life was cheap in India.

Vajpayeeji said that the integrity of our politicians is even cheaper. That sounded more dramatic. But if you look at it, what did it really means? What is the value of human life? Is there a value for the life of a child? Is it 3 million dollars? is it 350 million dollars? Or is it 1000 million dollars? Vajpayee said, "Is it worth the value of life of one child? Is it worth anything to a woman who has had an abortion? Is it worth anything to a family that is going to have a genetic disorder for generations to come?" Is it worth anything to a man who has lost his eyesight? Why should we indulge in this numbers game? What is this 350 million or 470 million or 3.3 billion? What are these numbers? Are we really empowered, are we really qualifed, in Parliament now to indulge in this numbers game? Just by saying these dramatic things like the statement that human life is cheap in India, you might be trying to impress the newpaper people who are totally in your hands...(*Interruptions*).:. But I am saying that human life is priceless, not the three thousand human beings alone who died in Bhopal. Any human life is priceless and the life of one child, the loss of one eyesight, is not worth thousand million dollars, but it is worth far far more than that. Therefore, the question that we are talking about is not the question of numbers. It is not just confined to the question whether the compensation should be 450 million or a thousand million. We should be addressing ourselves to far deeper issues about how to ameliorate the sufferings of those people. More important than that, Madam, there is another thing. I would like to say that the other day, one colleague from the Opposition in this House was attacked by the police people, admittedly under this Government, and the whole House rose as one man to protect his right. In the same way, if the Opposition had mounted some constructive attack on the Government, had told something that the Government could do, had indicated a positive thing that the Government could do, in this matter, all of us would have risen as one man to support them. Not one constructive suggestion came from them...(*Interruptions*)...Madam, you must restrain Dr. Reddy. I am not going to continue if he interrupts me like this. Let him say what he wants to say...(*Interruptions*)... I resent this.

THE DEPUTY CHAIRMAN: Dr. Reddy, when you were speaking, I did not allow anybody to interrupt you. It is not proper to interrupt a speaker and that too a lady speaker...(*Interruptions*)...

SHRIMATI JAYANTHI NATARAJAN: There is no question of any lady here. I have never said anything provocative. It only shows their total lack of concern for the people of Bhopal. They are trying to get cheap political advantage.

Madam, the question is this: what do you want the Government to do? In this connection, I have a very serious problem with the Government and it is the industrial location policy that the Government has. What is this whole theory of industrial licensing that the Government has? Is it not a fact—I have studied this problem and made some research in this matter—that as early as July 1984, the Ministry of Environment had framed certain guidelines, that is, for the future? We could not have prevented this, the Bhopal incident. It happened in December and the plant had already been set up and all that we know is that many environment specialists and MLAs and even the Opposition MLAs in the Madhya Pradesh Assembly raised the question of the location of the plant and it had been accepted that the plant was wrongly located. As early as July 1984, I understand, certain guidelines were framed by the Ministry of Environment with regard to industrial location, for framing an industrial location policy, and the Minister of Industry refused to accept it. Then again, Madam, in our industrial licensing policy, there is no clause by which you can cancel the licence of a company—any company,

whether it is a subsidiary of a multinational or whether it is an Indian company—for failing to comply with safety norms. As far as my knowledge goes, there is still no clause. Why don't we get together and tell the Government that they have to amend the industrial licensing policy so that they can withdraw permission to a company that does not comply with the safety norms and you can make sure that they check up periodically? More important than anything else, there is one thing. I have heard something and read something which disturbs me very deeply and that is that when the Government gets the transfer of technology from foreign companies, especially the transfer of technology like the MIC, what happens is that the technology does not include the basic infrastructural safety technology, the technology of safety. We only buy the technology that enables us to produce the MIC gas or whatever it is and we do not buy the technology that creates the infrastructural safety of the plant. They also do not part with it because they do not want us to have it. As Vajpayeeji mentioned, in their own plant in West Virginia, they have all the safety devices and these do not exist in the plant in India and the reason is that we do not buy their safety technology. If this is true, I want the Government to consider very seriously this question that we should not buy any technology, that there should not be any transfer of technology which we buy, if it does not contain the basic component, the basic safety technology, the infrastructural safety technology, and we should not buy it if this is not there and if we buy it, it should be ensured that the company is forced to part with all the safety norms that are to be followed. Otherwise, with this industrial licensing policy and the industrial location policy, there is no way in which we can prevent India from becoming a guinea-pig and a dumping ground for foreing multinationls.

This is a matter of vital importance, Madam. If the Opposition had urged upon the Government to take it up, if they were seriously concerned about the people of Bhopal, about the people of this country, this kind of thing they would have suggested to the Government. Shri Sukomal Sen was talking so much about its being a sell-out, about commissions and their being kickbacks. I want to ask him to stop shedding crocodile tears. I was in Kerala when the Congress was taking place. I happened to visit there for a day—a massive CPM Congress. Crores of rupees were spent on the Congress. The whole place was a sea of red. Why don't they spend one-tenth of that money for the suffering people of Bhopal. He is shedding crocodile tears for them here today. Why don't they spend one-tenth of that money for them? Now, they want to take political advantage of it because of the timely elections.

Now, Madam, before I go into the law...*(Interruptions)*

SHRI CHATURANAN MISHRA (Bihar): Has it any relevance? She is provoking...

SHRI SAT PAUL MITTAL (Nominated): She is only exposing your political motivations. *(Interruptions)*

SHRI CHATURANAN MISHRA: If you provoke a person that the money spent on party Congress should form part of the compensation, is it the way? You behave like that. Don't behave like...

SHRIMATI JAYANTHI NATARAJAN: That is not what I said.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): We had spent one per cent of the money that you spent in Tamil Nadu for the Prime Minister's visits...*(Interruptions)* What right have you to say like that?

THE DEPUTY CHAIRMAN: Hon. Members, I requested you yesterday that this is a serious matter, serious matter about life And we are talking about

spending money on one or the other. Let us confine ourselves to human misery. Why don't we do that?

SHRIMATI JAYANTHI NATARAJAN: Madam, I was talking about the attitude. What happened originally was that my colleagues, my friends on the other side, uniformally referred to the fact that the case could have been pursued in American courts. I want the House to turn its mind back to the time when the Attorney General of India went to those courts. That was the time when the Government of India—and this has been mentioned in Parliament also on an earlier occasion—the Government of India went to America. We filed an application before the American courts and asked them to hear the case in America and decide it in America. At that time we said that because there is extensive delay in Indian courts and because the standard of compensation in Indian courts is unfortunately lower—I am going to read out passages of that in a moment--this is the reason why the Government of India went to America and filed the case. We said that the system of law in India is so structured that the compensation will be very low and that the Judiciary is also so structured that the case will take a very long time to be argued in Indian courts and later the problems of executing it will also arise, therefore let this case be decided in America. At that time—I have got papers—there was such a hue and cry; they accused the Government of selling out then also They said: you have insulted the Indian judiciary. Newspapers were full of it. They said: how dare you say that the Indian judiciary is not capable of it, Government is selling out the Indian judiciary, and so on? They are the champions of the Indian Judges!' After all, because of the fact that this Government does not believe in cheap political advantage, in spite of the criticism of the Opposition that we are selling out the Indian judiciary, we persisted with these applications Yesterday, Mr Gurupadaswamy made a totally wrong remark. He said that this was not taken to the American courts. He is wrong. This Government took up the appeal right up to the American Supreme Court, and the American Supreme Court decided that India is the forum where this should be heard. And what is more, which is very relevant to us, based upon the Indian Government having gone in appeal, they said that the Union Carbide in Bhopal which is multinational, has got no connection in legal terms; of course it is morally responsible. But the legal responsibility it had with the Union Carbide is very tenuous. The most momentus feature of that judgement was that. Also, the order of the Supreme Court which we are talking about today has established something very important and something that has escaped all of us. The Union Carbide (India) has assets of the value of 8 million dollars. This is what I attempted to say yesterday. What is the point in taking over 8 million dollars? What are you doing to do with 8 million dollars? We cannot buy even peanuts with 8 million dollars. When I interrupted Mr. Gurupadaswamy and everybody rose up, I had asked: "What do you want to do with 8 million dollars? The Supreme Court has established something far more important. It has established the question of liability. In international law, the hard fact is that a multi-national company has no vicarious liability for the actions of its subsidiaries. The Union Carbide of America can very well claim this in a court of law and can possibly succeed. It is a good argument for the Union Carbide to say that they are not concerned with the Union Carbide (India) according to international law and that we have to proceed against the Union Carbide (India), take whatever Union Carbide (India) has and freeze all its assets. In that case, we would not have got more than 8 million dollars. By the same token, if we had proceeded and gone ahead against the Union Carbide Corporation, they could have easily said, later on after 25 years, that they have no liability at all and it would have been impossible to execute the order. By pas-

sing this order where the Union Carbide has also agreed, the Supreme Court has established a very important precedent it has established the liability of a multinational company towards the actions of its subsidiary. It has made sure that this money will be paid. This is what the Supreme Court has done. Instead of appreciating what the Supreme Court has done, we are all standing here and saying that these Judges should be impeached. I will come back to that in a minute.

Then they were talking about criminal liability. I just want to read out excerpts from the speech of Mr. Som Nath Chatterjee during the Debate on Bhopal Tragedy. He is no friend of the Congress Party or of the Government. He said:

> 'I am not so much concerned about criminal liability. Criminal liability will be primarily attached to individuals, individual officers or Directors or employees. Criminal liability against the corporate body will only be a fine imposed upon them. But this will hardly be commensurate with the seriousness of the damage that has been caused. It is primarily a question of civil liability and the determination of civil liability will proceed on the basis of ascertaining the seriousness of the nature of the activity and the breach of the safety standards."

Here you have one leader of the opposition who said that criminal liability was not important. *(Interruptions)*

SHRI CHATURANAN MISHRA: It is commonsense that criminal liability will proceed according to the procedure. That is why he has said it. You are mis-interpreting him. The law will proceed as it is

THE DEPUTY CHAIRMAN: Let her continue her speech. There are still some speakers from this side. They can mention all these points in their speeches.

चतुरानन मिश्र जी, आप बोलने वाले है। उस वक्त आप जवाब दे दीजिएगा।

श्री चतुरानन मिश्र: मैं आपसे सहमत हूँ

SHRIMATI JAYANTHI NATRAJAN: He promised me yesterday that he won't interrupt me and today he has broken his promise

THE DEPUTY CHAIRMAN: Promises are made to be broken

(interruptions)

SHRIMATI JAYANTHI NATRAJAN: It is for the Deputy Chairman to decide. If I am irrelevant, then the Deputy Chairman can stop me. I was just saying that the contradiction in the said of the opposition will show that they do not have even an iota of genuine concern for the people.

Everybody was talking about the Washington Post. People said that Washington Post has said that human life is cheap. I am quoting the same Washington Post of the 9th of January, 1985. It said that you should not fight your case in India. They always go abroad. They do not want to quote anybody from India or to look at the Indian situation. From Mr. Tarkunde who is the Chairman of PUCL and who is no friend of the Government to Mr. Palkhivala who is an eminent jurist everybody has welcomed it. There are only a few people with vested interests who are not welcoming it. Nobody wants to welcome the settlement of the tragedy. But the point is that you should not criticise it unless you have a proper basis to criticise it. Nobody is happy about the compensation. The 'Washington Post' at that time says:

> "If you go to America, you can expect three results: Many victims will not be compensated for years, awards will vary in a quixotic fashion depending upon who was represented by whom and what suit, lawyers will end up with anywhere

from 30 to 50 per cent of the stake, sizeable punitive damages which are not ensurable could bankrupt the parent as well as subsidiary company, and further delaying in limiting the payments. Legal action is not the best way to receive just treatment for the victims of this horrifying disaster."

"Legal action is not the best way." The 'Washington Post' which recommended the same thing all the time ago, today turns around and says 'human life is cheap in India'. And we have people in Parliament quoting from the 'Washington Post'.

Then, Madam, to continue, yesterday the most horrifying thing I have read in the newspaper. There are certain circles in the Opposition who started a move to impeach the Lordships for having done their duty. This is a most horrifying threat to the Indian democratic system. Yesterday, Madam, Mr. Dandavate speaking in the other House went so far as to say — this is what I had read in the newspapers — he went so far as to say that the Parliament should amend the Constitution to give ourselves powers to set aside the judgement of the Supreme Court. I have never heard anything so horrifying, Madam. Therefore, you now have a situation...

DR. G. VIJAYA MOHAN REDDY: Madam, what has been discussed in the other House should not be discussed here...

THE DEPUTY CHAIRMAN: Yes, whatever is being discussed in the other House...

SHRIMATI JAYANTHI NATARAJAN: Madam, I am quoting a newspaper report. *(Interruptions)* You also read out a newspaper report. You read out an entire speech. I am reading a newspaper report. I am not quoting what he said in Parliament. If he read his newspaper today morning, he will know what I am talking about; apparently he doesn't. I am reading a newspaper report and I am quoting it. *(Interruptions)* I am quoting a newspaper report. I am not quoting a debate from the other House. *(Interruptions)* Are you denying it? Are you denying the fact that Dandavateji has said this?

AN HON. MEMBER: He has not read the newspaper.

SHRIMATI JAYANTHI NATARAJAN: Therefore, what I am saying is, he says that you should amend the Constitution so that Parliament has the power to set aside the judgement of the Supreme Court. Therefore, now we have a position where the Opposition, if you really look at all that they are saying, they want to take over the powers of the judiciary, they want to impeach every time an inconvenient judgement is given. For instance...

SHRI A.G. KULKARNI (Maharashtra): Madam, on a point of order. I respect her, and I am really appreciating her speech as a colleague of mine. I am really appreciating her speech. But, Madam, for posterity, you should withhold this objection that reading from the newspapers the name of an hon. Member of that House, and leaving that aside, criticising his argument about what you call amending the Constitution, at least, I have not seen it is being done in this House. And it is never permitted. Though I like her speech, as a party person she can...

THE DEPUTY CHAIRMAN: Mr. Kulkarni, I have already said it...

SHRI A.G. KULKARNI: There are many Members who are going to sit here for thousands of years to come...

SHRIMATI JAYANTHI NATARAJAN: I accepted.

THE DEPUTY CHAIRMAN: Mr. Kulkarni, perhaps, you did not listen. I commented on it and she has accepted it. Perhaps, you were not putting your earphones and she conceded to it and she is not mentioning about it.

SHRI A.G. KULKARNI: She has said that Dandavateji wanted to amend the Constitution. you remove that. About the paper, I am not talking. I am talking about her observations on Dandavateji's suggestion to amend the Constitution, and we are not empowered to criticise it in this House.

SHRIMATI JAYANTHI NATARAJAN: I accept what he is saying, Madam. I do not know why he is taking pains...

THE DEPUTY CHAIRMAN: I think, you please conclude your speech.

SHRIMATI JAYANTHI NATARAJAN: Just two or three minutes, Madam. I have been interrupted so many times, Madam, you have to give me a little more time.

Madam, I am just concluding this part of my speech. I was just saying that now you have a situation where on the one hand the Opposition wants all the powers to be taken away from the judiciary and the powers given to the Legislature, and on the other hand, when this Government talks about democracy, they want autonomy for the States, they want federalism but they do not want powers to be given to the Judges. They want greater autonomy, greater powers to the States: But when you want powers to the local bodies and the panchayats, they call it a sinister move. So, they do not want power to the Centre, they do not want power to the judges, they do not want power to the grass root democracy. They want to keep all the powers — to do what? — so that they sack their entire Cabinet and go on a jaunt to Delhi for one week. This is what they want. This is the stand of the opposition.

Madam, I have only one appeal to make. I am going to talk about the actual law in a minute. Let us, for Heaven's sake, not denigrate the institutions in this country. Let us not draw Lordships and the Supreme Court into controversy. Let us talk about what really has to be done. Let there not be any further attack on them, especially when it is not based on any research. I am going to show that every single thing that has been said is not based on any research or accuracy. I can easily show that. First of all, my friend yesterday, Vajpayeeji, read from a book; he quoted from a book "Killing wind inside Union Carbide" by Dan Kurzman. I have the quotation and it reads like this: "Whatever happens, Mr. Anderson was determined not to offer a sum that would exceed the amount covered by insurance and bank loan, and this would mean a ceiling of about 600 million". Now, what could be more delightfully vague than this? Based on this, Vajpayeeji and others kept on saying that even insurance of Carbide is 600 million dollar. This is totally incorrect. I have the actual documents. I am saying with a sense of responsibility that the actual insurance of Carbide was only 200 million dollars. Now this is taken from the documents produced in the U.S. Supreme Court itself and this is the basis on which everybody started their arguments. The point I am trying to make is, it makes no difference what Carbide's insurance cover was, whether it was 200 million or 600 million. That is not the point. We are not concerned with that. The point I am trying to make over here is that this figure of 600 million dollar is mythical. It does not exist anywhere. I have the record which I am prepared to authenticate. I state with authority that the only figure that was ever before anywhere in writing or on record was the figure that was before Justice Keenan of the United States who heard this dispute, and this is what he says. He says: "In the first instance, the source was there because the first story talked about original offer at 100 million and how they got it up to 350 million". This is a part of Justice

Keenan's judgement. That is the only figure. And, Madam, this judgement came out when he was talking about how the actual figure was leaked out by one or the other party, and he was calling upon the parties not to leak out the negotiations because it would not have a good effect on the negotiations. The same thing Madam was with the Union Carbide who at the same time put out a press release and even in that press release they say: "Union Carbide Corporation said today that the proposed settlement of 350 million for the Bhopal incident of December 1984, would produce funds for the victims between 500 to 600 million". Because they were to give it over a period of ten years, it was not accepted. Yesterday, Vajpayeeji said, if they give 470 million, it is not such a great amount and if they wanted to give 350 million four years ago, why didn't you take it? Because they offered it over a period of ten years, we were not prepared to take it, whereas 470 million dollar they have to give us before 23rd of March. These are the only official figures. Everybody stated with such authority yesterday that it was 600 million or 650 million. These figures are being conjured out of air. So, the only official figure anywhere is 350 million dollar; 300 million dollar plus 50 million with approval of Union Carbide Board, over a period of ten years, and it was for this amount that the Government of India said that the amount lacks credibility and defies logic; it defies credibility and logic. There was no other amount. I challenge anybody in the opposition. They base their entire argument on an imaginary premise. I challenge anybody to produce one shred of actual proof to show that there was any offer. There was no offer. All this is in the newspaper. I thought about it and I have gone through the papers. I know how this figure came about. If you look at 350 million dollars, it roughly converts — I am not saying it is the exact figure; it is my reasoning — to about 600 or 650 crore of Indian rupees. So because you convert 350 million dollar to 600 crore of Indian rupees, I think this is how these people arrived at this figure. 1P.M. There is no reason how a figure of 600 million could possibly be arrived at. There is one more extremely fallacious argument where my friends in the opposition were saying that the Supreme Court has exceeded its brief, that the Supreme Court was only hearing the petition against the interim award and they had no business to make a final settlement. This is based on — if I am going to be charitable — a deliberate incorrect understanding of the facts. The point is this. There is no doubt that the Madhya Pradesh High Court passed an order saying Rs. 250 crores should be paid as interim relief and these were the orders that were before the Supreme Court. But what we have forgotten is, first of all, the Supreme Court has got the power, the inherent power to pass any order but that is begging the question. Even if you go into the merits of this, apart from the inherent power of the Supreme Court to pass any order at the interim stage which is just, reasonable and necessary in the circumstances of the case, you will find that the District Judge of Bhopal said long ago, "I am ordering an award of Rs. 250 crores. This will represent half the possible claim that will be given to the people of Bhopal and because this is half, this would be a reasonable amount to be given as interim compensation". This is how he passed those orders but not a single Member from the opposition has talked about this. Assuming that the Supreme Court passed orders on the interim relief, the case would then come back to the lower court of Bhopal. Assuming everything went in our favour, the lower court of Bhopal would pass a final order. Then it would have gone to the High Court of Madhya Pradesh and then to the Supreme Court, and what would be the amount? The amount would be Rs. 500 crores, just double of Rs. 250 crores. This is the maximum that we could have got, we could not have got more than that And this we would have got after 20 years. The Supreme Court has given Rs. 705 crores today and sitting here they are

saying that the Supreme Court has exceeded its brief. This kind of argument totally lacks credibility. I just want to say one more thing and that is, the law of torts in India is moribund. I just want to quote from this article.

THE DEPUTY CHAIRMAN: Please conclude now. There are eleven more speakers on this.

SHRIMATI JAYANTHI NATARAJAN: I will conclude. I am not going to quote, but I want to make one more demand. I have said that there is a lot of difference in the law taught in India and in America, how the amount of compensation is much lower in India than in America, but before I conclude I would just say that there is one thing that the Government could do and I call upon the Government to do it. The Government has spent about Rs. 95 crores upon rehabilitation of these people for which Government ought to be compensated from the settlement amount. I want to request the Government to waive that claim so that the entire amount goes to the people of Bhopal who are suffering. If the Government does that, the people of Bhopal will benefit to the extent of Rs. 95 to 100 crores. And this would be in the fitness of things for Government to do.

I thank you for giving me this time and I want to conclude by repeating what I said in the beginning, that is, let us not get lost in the numbers game, let us not denigrate institutions, but let us all work together to genuinely ameliorate the sufferings of the people.

उपसभापति: लाठर जी बोलना शुरू करें, उससे पहले मैं बताना चाहूंगी कि जो सदस्य बोलनेवाले हैं, वे जो लिमिटेड टाइम है, उसी में बोलें। We should confine speeches to the time-limit.

SHRI MOHINDER SINGH LATHER (Haryana): Why restrict me only?

THE DEPUTY CHAIRMAN: You and everyone after you have to confine to the time.

AN HON. MEMBER: What about hose who preceded him?

SHRI MOHINDER SINGH LATHER: Madam, first of all I must congratulate Shri Atalji for bringing this matter before this House. As you have rightly put it, it is really a very grave and sensitive issue. It is grave becuase it relates to death of thousands of innocent persons — men, women and children. It is grave because it involves thousands of destitute families. It is also grave because it involves the prestige and status of the Supreme Court, the highest court of our land.

Madam, I have put in about 30 years of practice as an advocate. I have not found any parallel in the legal history of the world to the judgement-cum-settlement that has been passed by our learned Supreme Court. And I must blame the Government very squarely for involving the highest court in this controversy. The Supreme Court is not above law, nor are the judges of the Supreme Court above the law of the land. Even our Head of State, Rashtrapati, is bound by the law of the land. My submission is that the Supreme Court has set a very wrong, a very dangerous precedent, by giving this sort of judgement based on settlement. My lady colleague has been saying that we must not cast aspersions on the highest court. We do not want to show any disrespect to the court, or the judges, or the judiciary. But we must speak the truth; we must call spade a spade. If we do not speak it now, the coming generations will not forgive us.

Madam, this is a story of human tragedy. There are two aspects of this tragedy. The Union Carbide is responsible on two scores. One is civil liability and the other is criminal liability. As for the civil liability, it has been stated, and it has also been agreed by my friends on

the other side, that the compensation is very meagre, it is inadequate. I would like to bring to the notice of the House that an eminent lawyer from America, Mr. Melvin filed a suit in the Federal Court of America against the Union Carbide on behalf of gas victims to the tune of 15 billion dollars, which comes to about Rs. 18,000 crores. Our own Government claimed 3.5 billion dollars which comes to about Rs. 4300 crores. And what has been given to the gas victims? A ridiculously low amount of Rs. 740 crores! How can we accept this? Great injustice has been done to the victims and the conscience of this country has been shaken. They are telling us not to speak. But, Madam, when will we speak? If we are aggrieved over an order of the lower court, we can go to the Sessions Court. from there we go to the High Court and from High Court, we go to the Supreme Court, to seek justice. But from Supreme Court, where do we go? This is the forum. The forum of Parliament is the forum where we can discuss the mightiest and the highest without fear or favour. Madam, it is our duty. The most important thing about which we should all be worried is that the judgement of the Supreme Court is based neither on law nor on facts nor on principles of natural justice.

Here I would like to draw the attention of my lawyer-colleague there — she has just spoken. There are three types of criminal offences. Firstly are petty cases under section 323 like minor hurt cases which are compoundable without the permission of the court. Then there are more serious cases under section 325 like grievous hurt cases which can be compounded with the permission of the court. But then there are most serious cases like murder, rape, kidnapping, criminal negligence and others, and these cannot be compounded even with the permission of the highest court. How will they compound it ? It is a strange thing—the Supreme Court doing it, withdrawing and ordering cancellation of the criminal cases. it is unheard of anywhere in the country and anywhere outside. Madam, I would like to submit before this House that criminal cases cannot be withdrawn, cannot be compounded like this. The culprits, the guilty, must be brought to book, must be punished.

Regarding quantum, the quantum is immaterial so much so that I agree with my lady friend that it is not that important, though from our own treasury we could help the victims. But what about the criminal liability? Thousands have died due to criminal negligence of that Corporation and those cases have been withdrawn, cancelled, washed out by the Supreme Court, and they say that we must not speak against the Supreme Court. The Supreme Court is not above the country. The Supreme Court is bound by the laws which are made by this Parliament. What are we here for?

My lady friend referred to Prof. Madhu Dandavate. I appreciate his sentiments.

THE DEPUTY CHAIRMAN: We are not referring to any speeches made in the other House, whatever she has said. She did not want to mention it. There is a convention that whatever is spoken in the other House, we do not discuss it here. So, you also, kindly, do not discuss it.

SHRI MOHINDER SINGH LATHER: She has said it and it has gone on record.

THE DEPUTY CHAIRMAN: No, she withdrew it.

SHRI JAGESH DESAI (Maharashtra): It is not on record.

SHRI MOHINDER SINGH LATHER: Madam, I was submitting that we must discuss and we must decide what to do about these multinational companies, and I am sorry to state that instead of discouraging them, this Government is promoting and encouraging them. They are bringing more and more multinationals into our country as if we

do not have the know how and as if our scientists are useless. They are bringing Pepsi Coal and Coca Cola and other multinational companies into this country to ruin us.

Madam, yesterday I heard my colleague, Shri Anand Sharma. He stated that because the Union Carbide Corporation belongs to America, our country has got no jurisdiction over it and that is why this compromise was necessary and all that. I don't agree with him. The country where the offences have been committed, that is the country which has got the jurisdiction to try and decide those cases.

Then there is the question of delay, which has been played out of all proportion. Madam, I submit, can an accused person, guilty of murder, be made to go scot-free? Supposing it takes four, five or even ten years, he cannot be made to go scot-free. He will have to face the trial. So, what is delay here? They say it was done because it would have been delayed.

Another thing has been stated here, that because there are 6,000 claimants it was very difficult to decide those cases. But, Madam, cases of similar nature are taken up daily in courts. They are taken together and decided together. This is no excuse.

Madam, I must submit in the end that it is really a very serious matter, and the least we can do now is that as a House we should pass a resolution requesting the Supreme Court either *suo motu* or on an application to review this case, reconsider the whole thing *de novo*, from the very beginning and decide it keeping in mind the prestige of the country and the fate of the gas victims.

Furthermore, I must add my voice to the voice of Atalji that the amount of $470 million granted should be treated as an interim relief, and it should be immediately distributed through an independent agency. But the guilty must not escape.

Thank You.

श्री चतुरानन मिश्र: उपसभापति महोदया, जिस विषय पर हम लोग बातचीत कर रहे हैं मैं भी समझता हूं वह बहुत गंभीर विषय है। गंभीर ही नहीं हाइली कम्पलीकेटेड है इसलिए कि आज की दुनिया में यह जो ट्रांस नेशनल कम्पनीज है इनके पास में हाई टेकनोलोजी तो जरूर है जो लेनी बहुत जरूरी है लेकिन साथ-साथ उनमें कुछ ऐसे अवगुण हैं जो पूरी मानवजाति के लिए खतरे का प्रश्न उपस्थित कर रहे हैं इसलिए केस बहुत कम्पलीकेटेड है। अभी माननीय सदस्या श्रीमती जयन्ती नटराजन का मैंने भाषण सुना। मैं कोई कानूनविद नहीं हूं। जो कुछ समझ आपकी है वह यह है कि हमारे कानून में अगर एक आदमी का कोई खून करे तो उसको फांसी की सजा होगी या ट्रांसपोर्टेशन होगा। लेकिन श्रीमती जयंती नटराजन जी अब इस सुप्रीम कोर्ट के फैसले के मुताबिक अगर कोई हजार खून करे तो रुपया ले ले और उसके ऊपर कुछ नहीं होगा। शायद और आगे बढ़ेंगे, लाख खून कोई करेगा तो आपकी सरकार उसको इनाम दे देगी। यही कानून है। यही साधारण लोगों के लिए है। इसीलिए मैंने कल प्रश्न किया था जब भंडारे जी बोल रहे थे कि क्रिमिनल लाएबिलिटी का क्या हुआ तो उन्होंने स्वीकार किया कि यह गलती हुई है। यह नहीं होना चाहिए। इसीलिए सुप्रीम कोर्ट की चर्चा आती है और हम लोग अत्यंत दुखी हैं। हम लोगों को सुप्रीम कोर्ट के फैसले के बारे मे कुछ ऐसी बातें कहने के लिए मजबूर होना पड़ रहा है जो हम साधारणतया नहीं चाहते। वह डीपली नहीं जा सका इसलिए हम को दुख है। मैं आपकी सरकार पर चार्ज करता हूं कि आपकी सरकार शुरू से आखिर तक गलती करती रही है। आप उसका जवाब दे दें। आपने कहा कोई कंसट्रक्टिव सुझाव नहीं आया। मैं पहली बार जब यह घटना हुई थी और उन्होंने तीन साल बाद दिवस मनाया था तो मैं भोपाल गया था। सरकार को मैंने आकर सुझाव दिया था कि यह मामला बहुत कम्पलीकेटेड है इसलिए सरकार 3-4 सौ करोड़ रुपया अपने खजाने से से दे इन विक्टिम्स को ताकि उनकी परवरिश हो। सरकार मुकदमा लड़ करके रुपया वसूल करके अपने फंड में वापस कर ले। यह क्यों नहीं किया गया। हम करोड़ों अरबों रुपया खर्च करते है। हम सब खर्चा आपका नजायज ही नहीं करते है। लेकिन नजायज भी खर्चा होता है कुछ ऐसा भी करते है कि उत्सव मनाने के लिए या दूसरा काम करें

के लिए खर्च करते हैं। जो मर गये हैं उनके लिए थोड़ा ख्याल आपको करना चाहिए। माननीय सदस्या ने कहा कि वह जो जीवन है वह प्राइसलैस है.....

श्री सुरेन्द्र सिंह ठाकुर (मध्य प्रदेश): जो गैस की त्रासदी से विक्टिम हैं, आपकी जानकारी के लिए मैं बताना चाहता हूँ कि उनके लिए पैसा दिया गया है।

श्री चतुरानन मिश्र: हम वहीं आ रहे हैं **(व्यवधान)**

श्री सुरेन्द्र सिंह ठाकुर: 91 करोड़ केन्द्र सरकार ने दिया। 89 करोड़ रुपया खर्च किया गया है। जो बीमार थे उनको 1500 रुपये प्रति व्यक्ति के हिसाब से दिया गया है। यह 80 हजार लोगों को दिया गया है। एक लाख लोगों को एक साल तक फ्री राशन उपलब्ध कराया गया। मैं कह रहा हूँ कि सरकार खर्च कर रही है।

श्री चतुरानन मिश्र: जरा मेरी बात सुन लें **(व्यवधान)**

THE DEPUTY CHAIRMAN: No Interruption, please Excuse me.

आप लोग इन्टरप्ट मत कीजिए। कांग्रेस की तरफ से एक माननीय सदस्य बोलने वाले हैं वह सब जवाब दे देंगे। उनको अपनी बात खत्म करने दीजिए।

श्री चतुरानन मिश्र: मैं यह कहना चाहता हूं कि अगर सरकार 80 करोड़ रुपये दे सकती है तो क्या वजह है कि तीन सौ करोड़ रुपये एडवान्स नहीं कर सकती है? **क्या यह लज्जा जनक बात नहीं है (व्यवधान)**

श्री सुरेन्द्र सिंह ठाकुर: यह केन्द्रीय सरकार की मदद है। केन्द्रीय सरकार से 91 करोड़ रुपये मिले है। मैं आपको ये आंकड़े दे रहा हूं। 91 करोड़ रुपये केन्द्रीय सरकार ने दिये हैं जिसमें से 89 करोड़ रूपये खर्च हुए हैं।

श्री चतुरानन मिश्र: आपने हमारी बात को समझा **नहीं है (व्यवधान)**

उपसभापति: आप अपनी बात कहिए। उनको बाद में समझा दीजिए।

श्री चतुरानन मिश्र: हमारा कहना यह है कि अगर वहां के लोग सचमुच में तकलीफ में थे और मैं भी समझता हूं कि तकलीफ मे थे और आपके पास दया नाम की कोई चीज थी तो सरकार पांच सौ करोड़ रूपये एडवान्स कर देती और मुकद्दमा जीतने के बाद आप वह रूपया ले लेते। आपने यह नहीं किया और यही आपका क्रिमिनल नेग्लिजेन्स है। इसका आप जवाब दीजिए।

दूसरी बात मैं यह कहना चाहता हूं कि आपकी सरकार यूनियन कार्बाइड से मिल गई है। कितना रुपया लिया या नहीं लिया, यह अलग बात है, लेकिन आप उनके साथ मिल गये हैं। आप कहेंगे कि इसका सबूत क्या है? मैं देता हूं। श्रीमती जयन्ती नटराजन अभी अमेरिका और वाशिंगटन की बात कह रही थी, लेकिन उन्हें इस बात की भी जानकारी होगी कि यूनाइटेड नेशन्स में एक कोड़ आफ कंडक्ट ट्रांस नेशनल कम्पनी के लिए है और उसको इस कम्पनी ने वायलेट किया है। ऐसी स्थिति में क्या वजह है कि आपकी सरकार यूनाइटेड नेशन्स में इस सवाल को लेकर क्यों नहीं गई? अगर आपने पैसा नहीं लिया तो दूसरी क्या बात हो सकती है, आप हमें बताइये। क्या सरकार के पास इसका कोई जवाब है? आप इसका ईमानदारी से जवाब दीजिए। आप यूनाइटेड नेशन्स में क्यों नहीं गये? जब वहां पर कोड तैयार किया गया है और सारी दुनिया इस बात को जानती है तो आप वहां क्यों नहीं गये? उन पर वहां पर दबाव पड़ता और अमेरिका की सरकार दबाव डाल सकती थी और सारी दुनिया उनके खिलाफ होती। मैं जानता हूँ, आप लोग भी यूनियन कार्बाइड के खिलाफ हैं, मैं यह नहीं कहता कि आप उनके एजेन्ट हैं, लेकिन सरकार में कुछ लोग है जिन्होंने यह बगलिंग किया है। इस देश की प्रतिष्ठा को हानि पहुचाई है, तीसरी दुनिया की प्रतिष्ठा को हानि पहुचाई है और सारी दुनिया के सामने एक मखौल बनाया गया है। यह लज्जाजनक बात है और आज इन बातों को कहने के लिए हमें बाध्य होना पड़ा है।

दूसरा कुकर्म भी आपने किया है। जब पिछली बार यह सवाल उठा तो यह बात सामने आई कि इसके लिए हमारे लेबर लाज प्रीपेयर नहीं हैं, हमारा फैक्टरी एक्ट प्रीपेयर नहीं है, इंस्पेक्टोरेट प्रीपेयर नहीं है और कुछ भी नहीं है क्योंकि जब छोटी-मोटी घटनायें होती हैं तो हम कानून बना लेते हैं। लेकिन जब एक एक्स्ट्राआर्डिनरी एबनारमल, उद्योग की सबसे बड़ी घटना घटी तो उसके लिए हमारा कानून तैयार नहीं था। श्रीमती जयन्ती नटराजन ने ठीक ही कहा कि जो शेयर होल्डर्स यूनियन कार्बाइड के थे उनको हम जब्त कर सकते थे। यह सही बात है। लेकिन क्या यह बात आपने भाषण देने के लिए तैयार की थी? आपने यह कानून क्यों नहीं बनाया जिसमें

जो पेरेन्ट बाडी है उसकी यह लायबिलीटी होगी? पिछले चार साल में आपने यह क्यों नहीं किया कि जिस ट्रांस नेशनल कम्पनी का पैसा अमेरिका में मुनाफे के रूप में जाएगा उसके ऊपर लायबिलीटी भी होगी, सारी जिम्मेदारी उसकी होगी...(**व्यवधान**) ये खाक बनाते? रुपया पैसा लिया ...(**व्यवधान**) । मेरा आपकी पार्टी पर चार्ज है, आपकी सरकार पर चार्ज है, आपने ऐसा कानून क्यों नहीं बनाया? मैं यह बात भी कहना चाहता हूं कि जब यह कमप्लेक्स सिचुएशन आ गई थी तो आपने सब पार्टियों के नेताओं को इस पर विचार करने के लिए क्यों नहीं बुलाया? आप यह कह सकते थे कि यह ट्रांस नेशनल कम्पनी का मामला है, इसलिए हम इस पर कम्प्रोमाइज करना चाहते हैं क्योंकि इसके लिए हमारे पास कोई कानून नहीं है, आप कह सकते थे कि इस पर आप अपनी राय दीजिये। आज आप कहते हैं कि यह मानवीय सवाल है, इसको पोलिटिकालाइज मत कीजिये। यह नेशनल सवाल है। लेकिन मैं पूछना चाहता हूं कि आपने ऐसा क्यों नहीं किया? अगर यह चोरी चोरी काम नहीं होता तो आज आप पर कोई यह चार्ज नहीं लगाता लेकिन आपने चोरी चोरी किया। इसीलिये आप पर चार्ज लगा रहे हैं क्योंकि आपने ऐसा किया। अगर आप लोग हमसे पूछते तो हम कहते कि ऐसा कीजिये।

अगली बात जो मैं आपसे कहना चाहता हूं वह यह है कि एक कसूर आपका यह है कि यूनियन कार्बाइड के जो वारेन एंडरसन थे, हमारा मुकदमा चल रहा था और आपने एक्स्ट्राडिशन ट्रीटी नहीं की है अमेरिका के साथ, जिससे अभियुक्तों का आदान-प्रदान हो सकता है। भारत के कोर्ट को यह अधिकार नहीं है कि अगर कोई अभियुक्त अमेरिका में है तो हम उसको पकड़ कर मंगवा सकें। इससे पहले कई केसेज में ऐसा हुआ। अगर आप इस कानून में सुधार नहीं करते हैं तो आप उनकी दलाली करते हैं। यह दलाली है आपकी अगर कोई क्रिमिनल हत्या करके भाग जाय तो उसके ऊपर आप कोई कार्यवाही नहीं कर सकते। आपने यह ट्रीटी उनके साथ नहीं की और अभियुक्तों का आदान प्रदान नहीं किया। इंग्लैंड के साथ भी आपने यह नहीं किया। इसके बारे में इसके पहले ही सुप्रीम कोर्ट को अपना एक जजमेंट भी देना पड़ा। लेकिन सरकार सुनती नहीं है। सरकार इन कंपनियों की दलाली करती है। जो लोग देश के धन की चोरी करते हैं और उसको विदेशों में रखते हैं सरकार उनके साथ पक्षपात करती है और इसीलिये उसने एक्स्ट्राडिशन ट्रीटी नहीं की। यह आपका कसूर है। यह न विपक्ष का कसूर है और न देश के किसी अन्य व्यक्ति का कसूर है। आपकी पार्टी शासक पार्टी है। आपके मंत्री महोदय को इसका जवाब देना है कि आपने यह ट्रीटी अमेरिका के साथ क्यों नहीं की। उपसभापति महोदया, अगर यह ट्रीटी हुई रहती और एंडरसन को पकड़ कर जेल में रखते तो हमको कई गुना ज्यादा हर्जाना मिल सकता था। लेकिन सरकार ने ऐसा नहीं किया और सरकार ने घुटने टेक दिये। इस घुटना टेक नीति को वाजपेयी जी ने समर्पण कहा, सरेडर कहा। यह सबसे लज्जाजनक बात है जिसके बारे में मैंने अभी आपसे चर्चा की।

एक बात और है। सरकार ने सभी नागरिकों की तरफ से, जो विक्टिम थे, कानून बनाकर अधिकार ले लिया और सरकार की ऐसी अन-एफिसियर्येसी है, माननीय सदस्य जयन्ती नटराजन ने ठीक ही कहा कि आगे जो बच्चे जन्मेंगे उन पर इसका क्या प्रभाव पड़ेगा वह कोई नहीं जानता। इतनी बड़ी दुर्घटना हुई है और हम आपके साथ हैं। लेकिन आपकी सरकार ने क्या किया? 6 हजार लोगों को भी सुप्रीम कोर्ट तक नहीं पहुंचा सकी। सुप्रीम कोर्ट को वाजिब लिस्ट नहीं दी गई। बहुत ज्यादा लोग इससे कुप्रभावित हुए हैं, बड़ी तादाद में हुए हैं। लेकिन आपने लिस्ट ठीक से नहीं बनाई। जो इससे कुप्रभावित होने वाले लोग हैं वे ज्यादा लोग हैं। अगर कोई चैलेंज करे तो चलिये हमारे साथ भोपाल। मैं उन लोगों की गिनती करवा दूंगा जिनका नाम सूची में नहीं आया। जब अमेरिका की कंपनी रूपया देने वाली थी तो आपने यहां पर क्यों ऐसी दलाली की यह मैं आपसे पूछना चाहता हूं। यह अन-एफिसियेंसी किन की है? यह गद्दारी नहीं तो और क्या है। केस बनाने में आपने बंगलिंग की और इसके चलते मैं इस नतीजे पर पहुंचा हूं...(**समय की घंटी**)...दो मिनट का समय और दे दिया जाए मैं एक बात और कह दूं।

मैंने एक स्लिप मंत्री महोदय के पास भेजी है। अभी भी टाइम है। ज्यादा नहीं है लेकिन थोड़ा सा है। इश्योरेंश जो उस कंपनी का है वह रुपया किसका होगा। हमारी सूचना के मुताबिक करीब 200 करोड़ रुपया है। हमने मंत्री महोदय को सिल्प में लिखा कि क्या आप गुपचुप ऐसा तो नहीं कर रहे हैं जिससे यह 200 करोड़ रुपया उनको मिल जाय।...(**व्यवधान**)... यही मैंने स्पष्टीकरण चाहा है। हम इस चीज को चाहते हैं कि 200 करोड़ रुपया जो आपके हाथ में है वह रुपया जो है उस पर हम विचार करें। आपकी सरकार आप ने कहा है कि कोई ऐसा कानून नहीं है जिससे हम किसी कंपनी का लाईसेंस रद्द कर दें, यह उनको अधिकार नहीं है। माननीय सदस्या श्रीमती जयंती नटराजन जी ने यह कहा।

लेकिन हम उनको बता देते हैं कि फैक्टरी ऐक्ट के मातहत फैक्टरी इंसपेक्टर तक को भी यह अधिकार है कि वह सुरक्षा नियमों के मातहत किसी फैक्टरी को बंद कर दे। आपने इस पर यह क्यों लागू नहीं किया? यह आपकी क्रिमिनल नेग्लीजेंसी को साबित करता है। अगर किसी कंपनी ने डेलीबेरेटली या रिसर्च करने के सिलसिले में इस तरह का काम किया है तो इंश्योरेंश कवरेज नहीं होता। आप उनसे कह सकते थे कि यह आपकी नेग्लीजेंस के कारण हुआ है। उपसभापति महोदया, इन बातों को कहते हुए मैं एक बार फिर सरकार से अनुरोध करूंगा कि अगर्चे हालत तो आपने इतनी बिगाड़ दी है कि अब कोई रास्ता बचा नहीं है। अब सुप्रीम कोर्ट वगैरह की मैंने आलोचना नहीं की और जानबूझ कर नहीं की। अब आप कुछ कर सकते हैं तो इस इन्श्योरेंस के रुपये का कुछ कर सकते हैं लेकिन नालायकियत आपने दिखा ली जो बिट्रेयल आपने किया है इसके लिए एक ही दवा है कि आप इस्तीफा दे दीजिये। इस देश से आप चुपचाप चलिये अमरीका में आपके लिए कम्पनी मकान बना देगी वहां पर आप सुरक्षित रहियेगा।

THE DEPUTY CHAIRMAN: We have six to seven speakers and we have to get the reply of the Minister. So, if our Members so agree, we will cut some time from our lunch. Now, I will ask Mr. T. R. Balu to speak and then we can adjourn for lunch. If anybody is hungry, he can go and come back.

SHRI T. R. BALU (Tamil Nadu): Madam Deputy Chairman, today, every Indian should hang his head in shame as the settlement with the Union Carbide Corporation by the Government of India is more calamitous than the gas tragedy in Bhopal. The so-called settlement, as accepted by the Government of India, is nothing but selling away the self-respect of India, the rights of the victims and also the rights and the prestige of the third world people. Madam, that is why the 'Washington Post' has not hesitated to comment that life in India is cheap. As compared to the compensation of 2.5 billion dollars given by M/s Jonh Manville Corporation to 60,000 of its claimants relating to an Asbestos Industry in America and as compared to the settlement of 520 million dollars compensation paid by M/S A. H Robins Company to 9450 victims, this compensation of 470 million dollars for five lakh victims is too meagre and too small. At one time, the multinational company was ready for out-of-court settlement for 600 million dollars, but I would like to know why the Government of India has settled it for a meagre amount of 470 million dollars for five lakh victims.

During the discussion held with the Madhya Pradesh M.L.As, our Prime Minister had categorically reiterated that he will not accept less than Rs. 1500 crores but the Government of India has accepted Rs. 750 crores. This leads to a lot of apprehension and suspicion about this Government. I would like to quote Mr. S. Sahai of the "Hindustan Times". He says and I quote:–

> "The Attorney-General is the Government's law officer, not political adviser, but the reverberations of the case in an election year could not have been overlooked by him. It is difficult to say whether there is any connection between the reported meeting of the Political Affairs Committee and the court's order. If it be a fact that the parties had already arrived at a settlement then why did the court allow itself to be used in a manner hardly befitting it. Surely this is an odium the court could have avoided."

I would like to quote one more press report which I have read in the "Indian Express". It reports what Mr. Sunderlal Patwa, President of the Madhya Pradesh unit of the Bharatiya Janata Party, has said. I quote:

> "Adressing newsmen here on Friday, Mr. Patwa said the Union Carbide had offered a higher amount for the out-of-court settlement much earlier. The delayed compromise at 'shameful terms' arrived at shortly before the elections has forced the country to sell its self-respect."

Madam, I do understand that a transaction had been made between Churhat Lotteries and the Union Carbide Corporation to an amount of Rs. 1.5 lakhs which is brought into the accounts of Churhat Lotteries. I also understand that some payment has been made for the medical expenses in America of the wife of one of the big shots in the Government. These correlate with the apprehensions and suspicions raised over the haphazard conclusion of the settlement by the public and the victims. I request that a thorough probe be made into the settlement of compensation and I demand that this Government should go for a review of the orders of the Supreme Court to get a better compensation for the victims of the gas tragedy. Thank you.

SARDAR JAGJIT SINGH AURORA (Punjab): Madam Deputy Chairperson, I would like to condemn the Government action in regard to the compensation as well as the decision to wind up all the cases against the Union Carbide Corporation which was responsible for the great tragedy of Bhopal gas incident in December 1984. The year 1984 was a tragic year for our country and its aftermath is still with us like a nightmare. The November 1984 carnage still provides grist to the violence in Punjab and in December, 1984 the Bhopal gas tragedy has caused so much human suffering that it may go on for generations. With great fanfare the Governement of India took it upon litself to champion the cause of the Bhopal gas victims This was done with a view to extract the maximum amount of compensation from the Union Carbide Corporation, a major multinational of the United States of America. After working out, the claim was three billion dollars Had the case been tried in the USA, the victims would have got such a compensation. Left to the U.S. lawyers, they might have been able to get this case processed in the USA for such a compensation The Government of India has, however, failed and the case was transferred to India. It does not speak well of the legal position of our country because now the Treasury Benches are pleading that had the Government not accepted the amount, the meagre amount of 470 million dollars, one-sixth of what the original claim was, it would have taken years. It is better, therefore, to accept this amount rather than carry on for the next ten or twenty years in multifarious legal cases. Surely, it is no source of satisfaction to the victims that the inability of the Government to revise the legal procedures and bring them up to date to meet the current demand is the reason why they have to make do with a pittance. No wonder the international press has commented that life in India is cheap. We who are living under the yoke of this Government for the last few years are fully aware that life in India is not only cheap but lacks human dignity and justice.I had visited Bhopal and spent a day at the hospitals and in the colonies where the victims were living. Their condition was pitiable. The medical facilities being provided were unsatisfactory and deplorable. And to crown it all, the private welfare societies who were complaining against it were not only being discouraged to remain there but were being actively interfered with. Therefore, it is quite right to say that life in India is not only cheap but it lacks human dignity and respect for human rights. Unfortunately this attitude extends generally towards weaker sections, of all hues, colours and sections; but dealing with high and mighty the attitude always changes. One cannot but condemn the compromise in the strongest terms. It is a pity that the Government has misused the highest Institution of justice, a highly respected office of the Supreme Court, to absolve the Union Crabide corporation cheaply not only for money, monetary compensation, but also all other crimes and failures for all times to come. Can one be blamed if one wonders on whose side the Government was, for the victims, our own citizens, or for the offending

multinational corporation?

THE DEPUTY CHAIRMAN: There are three speakers more who have to finish after lunch. We can now adjourn for lunch and conclude the debate after lunch.

The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at fortyfour minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock, The Deputy Chairman in the Chair.

THE DEPUTY CHAIRMAN: Now, the Budget (Railways), 1989-90. Yes, Mr. Mahabir Prasad.

THE BUDGET (RAILWAYS) 1989-90

रेल मंत्रालय में उप मंत्री (श्री महाबीर प्रसाद): माननीया उप सभापति महोदया, मैं आपकी अनुमति से 1989-90 के वर्ष के लिए रेलवे के संबंध में भारत सरकार की अनुमानित आय तथा व्यय का एक विवरण (हिन्दी तथा अंग्रेजी में) सभा पटल पर रखता हूं।

THE DEPUTY CHAIRMAN: Now, we shall continue with the discussion on the Bhopal Gas issue. Yes, Mr. Chitta Basu.

SHRI K. G. MAHESWARAPPA (Karnataka): Madam, this is a politically baised Budget and several States have been neglected. As a protest against this, Madam, I walk out.

SHRI JAGESH DESAI (Maharashtra): Even before reading it? Even without reading it?

SHRI K. G. MAHESWARAPPA: I have already read it.

(At this stage, some hon. Members left the Chamber.)

THE DEPUTY CHAIRMAN: Let Mr. Chitta Basu start and those who want to walk out can do so.

SHORT DURATION DISCUSSION

Re: Settlement arrived at between the Government of India and the Union Carbide Corpn. regarding payment of compensation to the victims of the Bhopal gas tragedy. — (Contd.)

SHRI CHITTA BASU (West Bengal): Madam, I want to begin with, use some language in giving expression to my views a little charitably. Even becoming charitable, Madam, please allow me to say that the manner in which the Government has dealt with the entire position of compensaion for the Bhopal victims is nothing short of betrayal—betrayal of the interests of the victims, and the manner is nothing but despicable. This is a further example of the Government of India as to how blatantly and brazenly the Government can become an agent to subserve a multinational corporation. This is a blatant surrender and complete sell-out not only of the interests of the victims but it is a capitulation of the national interests and it is a national humiliation. Everybody should hang his head in shame as to how the Government can barter away the interest of the country. Unfortunately, Madam, the highest judiciary of our country is involved in this sordid episode. I was mentioning about the manner in which the Government of India tackled the entire issue. I am inclined to comment that the Government of India has taken upon itself the responsibility to save Carbide' operations. The entire exercise was; to save the Corporation from the wrath of the people. Much of my burden has been lessened by the previous speaker, Shri Chaturanan Mishra, who cited several examples as to the failures of the Government in the matter of the defence

of the interests of the victims and also of the nation. I only want to refer to some other issues or other incidents or the other manner in which the Government has surrendered to the multinational corporations.

Now, Madam, you might be knowing that at an earlier stage a Commission was set up to enquire into in depth the tragedy under the chairmanship of Mr. N. K. Singh. Madam, you will be astonished to know that for several years the Commission was not allowed; to function, and as a matter of fact, ultimately, after two years the Commission was wound up. This is another example as to how the Government of India tackled the entire matter because they wanted; to cover up the misdeeds and failures of the Carbide.

Now, there was an appeal in the United States to get the case tried in the United States. And there was no strong, determined, sustained attempt to get the case tried in the United States. They faltered, although the Government paid more than Rs. 25 crores by way of legal expenses. Thirdly, when it was finally decided the Government accepted that the trial will take place in India.(*Time bell rings*)

I have not yet started, Madam.

THE DEPUTY CHAIRMAN: Mr Chitta Basu, you will have to end sooner or later. I have already told that we have got half an hour. (*Interruptions*) I must remind you that we have got three speakers: Mr. Bhattacharya, yourself and Mr. Pachouri, who comes from Bhopal. You please confine your speech to the limited time.

SHRI CHITTA BASU: Now, the question of time, delay, is being referred to. Was it not possible for the Government to setup special courts to try these cases? The Government, as has been earlier mentioned, allowed the Chairman of the Carbide to go away from this country. Are these not cases of betrayal? Now, at a particular point of time there was the question of having out of court settlement. Madam, I want to refer to a very important statement made by some important jurist on the very principle of the out of court settlement. I read a particular portion from the statement of Justice Rajendra Sachar, Justice P. S. Poti, P. N. Haksar, Govind Narain, Govind Mukhoty, Romila Thapar, S. Gopal, Upendra Baxi and Tara Ali Beg I quote:

> "An out-of-court settlement will involve a dereliction on the part of the Government of the duty it has assumed to secure justice for the victims. Such a compromise will absolve the Union Carbide of its legal liability for the mass disaster."

This was the opinion expressed by no less important persons than those whom I have mentioned earlier.

Here comes the question of collusive relations between the Government of India and the Company. After going back to the United States, Mr. Anderson met a group of journalists and the question about an out-of-court settlement was raised. He said and I quote:

> "Maybe they (that is the Indian Government) will try to solve their balance of payment problem or their national debt problem or maybe they will be realistic."

That means that the Government of India also did not agree that there should be an out-of-court settlement.

THE DEPUTY CHAIRMAN: Mr. Chitta Basu, will you please conclude?

SHRI CHITTA BASU: There was no question of an out-of-court settlement. The question of settlement came from Anderson. It means that there was a

collusion between the Company and the Government.

THE DEPUTY CHAIRMAN: Please conclude, Mr. Chitta Basu. It is unfortunate that your party has very little time. It is not in my hands.

SHRI CHITTA BASU: I will take one minute more.

THE DEPUTY CHAIRMAN: There are two more speakers and the Minister has to reply. At 3.30, we are starting the Motion of Thanks on Presidents' Address.

SHRI CHITTA BASU: The compensation is ridiculously low. It has been stated by *Zahrili Gas Kand Sangharsh Morcha* that the compensation of Rs. 715 crores will not be adequate to rehabilitate the MIC victims as it would, on disbursement, come to Rs. 5000/- to the survivors after payment of the compensation debt up-to-date. It means that the amount which has been agreed upon will provide relief of not more than Rs. 5000/-. Is it at all a relief?

My last point is that the company is not paying anything by way of compensation. On meticulous calculation, you will find that the Union Carbide will pay only Rs. 40 crores from their funds because they have got an insurance cover of Rs. 375 crores and then they have a reserve fund of Rs.300 crores. It comes to Rs. 675 cores. Out of this amount of Rs. 715 crores, the company will have to pay only Rs. 40 crores from their funds. Is it not a bonanza?

Madam, you will not allow me more time. As I have siad earlier, I oppose it and I feel that the House will express its contempt against this kind of sell-out and surrender to a multi-national corporation. It is not only a sell-out of the interests of India, but it is a great blow to the interests of the Third-World countries because this case will always be cited by these multinational corporations all over the world in order to deprive the victims of this kind of disaster if it ever happens in any other part of the world.

श्री सुरेश पचौरी (मध्य प्रदेश): माननीय उपसभापति महोदया, इंसानी जिन्दगी में कभी-कभी ऐसे क्षण आते हैं जब हमें राग-द्वेष से परे रहकर मानवता के आधार पर जीवन की संवेदनाओं के बारे में कुछ निर्णय लेने होते हैं। उच्चतम न्यायालय द्वारा यूनियन कार्बाइड गैस दुर्घटना के संदर्भ में दिया गया निर्णय एक ऐसा ही उदाहरण है जो हमारे कर्तव्य-बोध को झकझोर रहा है। 2-3 दिसम्बर, 1984 की रात को भोपाल में जो हादसा हुआ वह एक हृदय विदारक सीन था जिसका शब्दों में वर्णन नहीं किया जा सकता है।

महोदया, मैं न केवल उसी शहर से हूं बल्कि मैं उसी मोहल्ले से हूं जहां यह हादसा गुजरा। 2-3 दिसम्बर, 1984 की रात को यूनियन कार्बाइड नामक बहुराष्ट्रीय व्यापारिक राक्षस ने अपने जहरीले डैने फैलाए और वे लाखों लोग जो अमन-चैन की जिन्दगी जी रहे थे, उनमें से हजारों को यूनियन कार्बाइड से निकली जहरीली गैस ने चिरनिद्रा में सुला दिया। आज उस हादसे को चार साल से ऊपर हो चुके हैं। चार साल बाद भी वहां की पीड़ित आबादी की कराहों और सिसकियों से दिनचर्या प्रारंभ होती है। यूनियन कार्बाइड का नाम लेने से वहां दहशत फैल जाती है। मौत से जिस शहर की गली में सन्नाटा नहीं होता, वहां यह हादसा रोज़मर्रा की चीज़ बन गया है। मैं यहां यह इसलिए कह रहा हूं, मान्यवर महोदया, कि अक्सर सुनने में आता है कि दिन-प्रतिदिन इस गैस से प्रभावित लोगों की मृत्यु हो रही है। गैस से प्रभावित होने वाले लोगों की मृत्यु दर में बढ़ोत्तरी होती जा रही है। इस घटना के समय मृतकों की संख्या लगभग 1800 बताई गई थी जो आज बढ़कर 3300 बताई जा रही है। चार साल के बाद भी हम यह मालूम नहीं कर सके हैं कि यूनियन कार्बाइड से यह जो गैस रिसी, एम० आई० सी० गैस, इसका सही इलाज क्या है। हम यूनियन कार्बाइड को इस चीज़ के लिए बाध्य नहीं कर सके, जिसकी रिसर्च एंड डेवलपमेंट विंग अपनी खुद की है कि जब यह मैन्युफैक्चर कर रहे थे तो उसके पास इसका इलाज होना चाहिए था कि यदि यह गैस रिसती है तो उसका इलाज क्या है? हम उसके लिए उसे बाध्य नहीं कर सके और आज भी लोग तड़प-तड़प कर मर रहे हैं। जब इस निर्णय की यहां समीक्षा की जा रही है तो इस संदर्भ में मैं यह बात कर रहा हूं क्योंकि उस गैस के आफ्टर इफैक्ट्स भी वहां के लोगों को भुगतने पड़

रहे हैं। हजारों निराश्रितों, बेसहारा और अनाथों की बेबसी को बर्दाश्त किए हुए यह शहर बड़ी बेसब्री से न्यायालय के फैसले का इन्तजार कर रहा था। अन्ततोगत्वा न्यायालय ने फैसला दिया लेकिन इसके पहले कि हम न्यायालय के फैसले की समीक्षा करें, हमें यह देखना होगा कि यूनियन कार्बाइड भोपाल में कब, कैसे और किन परिस्थितियों में आई।

1969 में यूनियन कार्बाइड की स्थापना की गई, जब यह केवल पेस्टीसाइड्स प्लांट के रूप में आया। बाद में कार्बामेंट, पैस्टिसाइड्स और टैमिक का इसको लाइसेंस मिला। लेकिन किन परिस्थितियों में मिक का इनको लाइसेंस मिला और मिक का लाइसेंस देने के लिए कौन जिम्मेदार थे इस बात की भी जांच की जानी बहुत जरूरी है। यदि मिक का लाइसेंस किन्ही परिस्थितियों में दिया गया तो क्या सेफ्टी मीजर्स ऐप्लाई किए गए? इस बात पर भी विचार करना जरूरी है।

महोदया, कार्बाइड जो मैन्युअल 1976 में निकला उसमें इस बात को बताया गया था कि मिक गैस रिऐक्टिव है, टाक्सिक है, फ्लेमेबल है, पाइजनस है इनहेलेशन में नुकसानदायक है। यह सब हादसा गुजरा, कई लोगों की जानें गई और उसके बाद लोगों ने अपने क्लेम्स भरे। जहां मैं यह कह रहा हूं कि गैस से प्रभावित लोग बड़ी बेसब्री से मुआवजे का इंतजार कर रहे थे, भारत सरकार ने जो मांग 3 अरब 20 करोड़ डालर के रूप में की थी, इस निर्णय के उपरांत उसे 705 करोड़ रुपया मिला यानी 47 करोड़ डालर। 47 करोड़ डालर में हमने यूनियन कार्बाइड को उसके अपराधों से आजाद कर दिया। तो यह 47 की संख्या भोपालवासियों के लिए बड़ी चुभने वाली हो गई है। लेकिन दूसरी परिस्थितियां भी हैं जिन पर गौर करना जरूरी है। जो मुआवजे की राशि उनको मिली, क्या वह उपयुक्त मिली, इस पर हमें विचार करना है। मैं बड़ी विनम्रतापूर्वक कहना चाहता हूं कि यह निर्णय सामयिक निर्णय है क्योंकि यदि गैस से प्रभावित लोगों को लंबे समय तक मुआवजे का इंतजार करना पड़ता तो शायद गैस से प्रभावित लोगों में से बहुत कम लोग बचते। इसके निर्णय में लगभग 20 वर्ष लगते जैसा कि कानून के ज्ञाता लोगों ने बताया है। तो यह निर्णय एक अच्छा निर्णय है और यह निर्णय सामयिक है। मुझे यह भी कहने की इजाजत दी जाए कि जो राशि मुआवजे की दी जा रही है वह पर्याप्त नहीं है। गैस से प्रभावित लोगों के लिए यह उपयुक्त राशि नहीं है। हमें कुछ ऐसे उपाय करने होंगे कि गैस से प्रभावित लोगों के लिए जो कारगर कदम उठाए जा रहे हैं उनके लिए ज्यादा से ज्यादा वित्तीय साधनों की व्यवस्था केन्द्रीय सरकार अपने किसी न किसी मद में से करे। शताब्दी की सबसे बड़ी औद्योगिक दुर्घटना जिसका आधार मनुष्य की लापरवाही था, इसे मनुष्य की मूर्खता या अर्थ-लिप्सा का एक अच्छा खासा उदाहरण कह सकते हैं। स्वयं एक अंतर्राष्ट्रीय औद्योगिक संस्थान कहलाने वाला प्रबंध जाल कितना निर्मम, कितना क्रूर, कितना कुटिल और कितना कुत्सित चालों के चलने वाला हो सकता है, यह इस हादसे से देखने को मिलता है।

महोदया, इसका असर साल, दो साल या 10 साल तक नहीं होना है बल्कि इसका असर सालों तक होना है। आपको इस बात की जानकारी है कि वहां गर्भवती महिलाओं के अबोर्शन अपने आप हो जाते हैं और जो बच्चे पैदा हो रहे हैं उनके बारे में यह जानकारी है कि वे अपंग पैदा हो रहे हैं किसी की नाक नहीं है। किसी के कान नहीं हैं, किसी का हाथ बेकार है। तो आगे आने वाली संतति पर, हमारी अगली पीढ़ी पर इसका प्रभाव पड़ने वाला है। तो जहां हम इस निर्णय के बारे में बात कर रहे हैं तो हमें इस बारे में भी विचार करना होगा कि आगे आने वाली पीढ़ी को कैसे सुरक्षित रखा जाए और गैस से प्रभावित लोगों को सारे साधन कैसे मुहैय्या कराए जाएं कि वे अपनी जिन्दगी की गुजर-बसर अच्छे ढंग से कर सकें और एक बेहतर जिन्दगी गुजार सकें। क्रूरता और कुत्सता का अध्याय दो और तीन दिसम्बर, 84 को ही समाप्त नहीं हुआ बल्कि उसके बाद कुटिलता और कपट का सही अध्याय आरंभ हुआ जिस पर यह सदन यहां बहस कर रहा है।

महोदया, भोपाल की जनसंख्या 9 लाख 39 हजार है जब कि प्रभावित लोग 5 लाख 79 हजार 27 है। इस सदन ने भोपाल गैस डिसास्टर एक्ट 1985 पास करके केस डील करने का अधिकार भारत शासन को दिया था। यू०एस०ए० में जो केस चल रहा था कई लोग अपना मकसद इसमें हल कर रहे थे। कई निःस्वार्थी तत्व भारत सरकार की इस बात की आलोचना कर रहे थे कि यू०एस०ए० में क्यों केस चलाया जा रहा है, भारत में क्यों नहीं चलाया जा रहा है। सरकार की कई तरह से आलोचना की जा रही थी। बाद में केस सुप्रीम कोर्ट में चला। सैटलमेंट हुआ तो सरकार के समक्ष इसके अतिरिक्त कोई और उपाय नहीं था कि इस निर्णय को माने, इसको शिरोधार्य करे। यद्यपि मैं कानूनविद नहीं हूं लेकिन मुझे बताया गया है कि नार्मल प्रोसिजर में 20 वर्ष लगते हैं। यह पहली मर्तबा है कि कोई मल्टी नेशनल कंपनी इतनी अधिक राशि का भुगतान कर रही है। यह भी बताया गया है कि कोई भी सैटलमेंट जो

स्टेट कोर्ट द्वारा किया जाता है वह यू०एस०ए० में डिस्ट्रिक्ट कोर्ट में चैलेज हो जाता है। कम्पेलक्सिटी होती तो 6 लाख लोगों के क्लेम डील करने में काफी समय लगता जो कि लगभग 5 लाख 88 हजार 875 व्यक्तिगत क्षति के रूप में है। जैसा मैंने कहा मैं कानूनविद नहीं हूं। मैं यहां अपने वतन के लोगों का एक खादिम के रूप मे खड़ा हो कर बोल रहा हूं। भोपालवासियों का एक साधारण सेवक के रूप में बोल रहा हूं। जो लोग इस बात को उठा रहे हैं कि सुप्रीम कोर्ट ने यह फैसला दिया, वह फैसला दिया मैं उनसे विनम्रतापूर्वक पृछना चाहता हू कि क्या वह यह गांरटी ले सकते हैं कि अगले एक या दो वर्ष से गैस से प्रभावित लोगों के लिए फैसला दिला देंगे? क्या वह गारंटी ले सकते हैं कि स्टेट कोर्ट या सुप्रीम कोर्ट ने फैसला कर दिया वह फिर यू०एस०ए० के डिस्ट्रिक्ट कोर्ट में चैलेंज नहीं होगा? इस बात का उल्लेख किसी ने नहीं किया।

कुछ लोगो ने इस बात पर आपत्ति की कि उन लोगों को कान्फीडेम मे नहीं लिया गया। मध्य प्रदेश स्तर पर और भोपाल स्तर पर राहत एवं पुनर्वास समिति बनायी गयी जिसमे विभिन्न दलों के लोगों का समावेश किया गया। सभी राजनीतिक दलों के लोग, सभी समाजसेवी संगठन के लोग उसमें है। मैं स्वयं भी उसमें हू। मै इस विवाद में नहीं जाना चाहता कि उस समिति में सदस्यता ग्रहण करने के बाद कौन कितना किस रूप में, कितनी ईमानदारी से, कितनी तल्लीनता से, कितनी संजीदगी से गैस से प्रभावित लोगों के बीच में काम कर रहा है। मैं इस विवाद में भी नहीं जाना चाहता कि जो नेता यहां चीख-पुकार कर रहे हैं उसमे से कितने गैस से प्रभावित क्षेत्र में गये हैं या उनके दल के आज भी गैस से प्रभावित क्षेत्र मे उनके बीच पहुंच कर उनकी सेवा कर रहे हैं। गैस से पीड़ित लोगों की जो दयनीय स्थिति है उसका उल्लेख पहले भी सदन मे मैं कई बार कर चुका हूं। उनके फेफड़ों की क्या हालत है, उनकी शारीरिक क्षमता की क्या हालत हो गयी है। उनकी मानसिक स्थिति की क्या हालत हो गयी है। मैं उस विवाद में ज्यादा नहीं जाना चाहता। मैं उन उपायों के ऊपर जाना चाहता हूं... (**व्यवधान**) (**समय की घंटी**) जो किया जाना आवश्यक है इस सुप्रीम कोर्ट के फैसले के बाद।

श्री वीर भद्र प्रताप सिंह (उत्तर प्रदेश): यह भोपाल के रहने वाले हैं इनको थोड़ा और बोलने दीजिए।

उपसभापति: समय का सवाल है। मैं तो चाहूंगी वह एक घंटा बोले।

श्री वीर भद्र प्रताप सिंह: जो आदमी हृदय से बोल रहा है उसकी बात को सुनिये।

3.00 P.M.

श्री सुरेन्द्र सिंह ठाकुर: महोदया, आप इनको मेरा समय भी दीजिये।

उपसभापति: आपका नाम इसमें नहीं है।

श्री सुरेन्द्र सिंह ठाकुर: मैंने नामं तो दिया था।

श्री सुरेश पचौरी: महोदया, जब भोपाल गैस हादसे का जिक्र आता है तो मेरे सामने वह सीन आ जाता है जब हमने लाशों को अपने हाथों से उठाया था और एक दो लाशों को नहीं, 50-50 और 100-100 लाशों का दाह-संस्कार अपने हाथों से अपने सामने हमने किया था। मै इस विवाद को राजनीति में नहीं डालना चाहता हूं। मैं कहना चाहता हूं कि निर्णय हो गया है, राशि मिलने वाली है। लेकिन अब क्या उपाय किये जाने आवश्यक हैं, इस पर सोचा जाना चाहिए। जब हम इसकी चर्चा करते हैं तो मैं मंत्री महोदय से कुछ स्पष्ट आश्वासन चाहता हूं। सरकार ने गैस त्रासदी के बाद पर्यावरण, पशु और जन-जीवन के शरीर पर पड़ने वाले प्रभाव का अध्ययन करने के लिए एक वैज्ञानिक आयोग का गठन किया है और भोपाल में एक रीजनल रिसर्च लेबोरेटरी है जो गैस इफेक्टड लोगों के लिए रिसर्च वर्क कर रही है। अब उस रिसर्च लेबोरेटरी को बी०एच०ई०ए०-ल० को हैंड ओवर किया जा रहा है। मैं मंत्री महोदय से यह आश्वासन चाहता हूं कि इस लेबोरेटरी की इंडिविजुएलिटी को बरकरार रखा जाना चाहिए ताकि वह रिसर्च वर्क करती रहे। इसका मंत्री महोदय स्पष्ट आश्वासन दे। यूनियन कार्बाइड के खिलाफ जो आपराधिक मामले थे वे उठा लिये गये हैं। ऐसी स्थिति में जो लोग समय समय पर प्रदर्शन करते रहे है और यूनियन कार्बाइड से प्रभावित लोगों के संबंध में मांगे रखते हैं उनके खिलाफ भी आपराधिक प्रकरण दर्ज किये हैं, मैं मंत्री महोदय से यह आश्वासन चाहता हूं कि जो स्वयं सेवी संस्थाएं और समाज सेवी संगठन व कार्यकर्ता गैस से प्रभावित लोगों के संबंध में आवाज उठाते रहे हैं उनके खिलाफ जो प्रकरण दर्ज किये गये हैं उनको भी वापस लिया जायेगा। प्रायः बहुसंख्यक गैस पीड़ित लोग शारीरिक रूप से अपनी रोजी रोटी कमाते हैं। अब उनकी क्षमता कम हो गई है। उन्हें जो चिकित्सा सुविधायें प्रदान की जा रही हैं और उस पर जो खर्च आएगा वह खर्च भी केन्द्रीय सरकार वहन करे, इस संबंध में स्पष्ट आश्वासन मैं मंत्री महोदय से चाहता हूं। गैस से पीड़ित

लोगों के समाने रोजी रोटी की भी अहम समस्या है। प्रदर्शनकारियों की यह प्रमुख मांग रही है कि उनकी रोजी के लिए प्रशिक्षण व रोजगार की गारंटी होनी चाहिए ताकि उनकी क्षमता के आधार पर उनको रोटी मुहैय्या की जा सके। इस संबंध में जब भी प्रधान मंत्री जी समय समय पर भोपाल गये हैं, गैस पीड़ितों के बीच मे गये हैं, तो उन्होंने इस बात को स्वीकारा है कि गैस पीड़ितों को वरीयता के आधार पर, प्राथमिकता के आधार पर रोजगार मुहैय्या करने की व्यवस्था की जानी चाहिए। गैस से प्रभावित लोगों के उपचार, पुनर्वास और रोजगार के लिए सात वर्षों का एक्शन प्लान मध्य प्रदेश सरकार ने केन्द्र सरकार के सामने प्रस्तुत किया है जो 371.29 करोड़ रुपयों का है। यह 371.29 करोड़ रुपयों की राशि अपनी मद से केन्द्र सरकार पूरी की पूरी दे। ऐसा आश्वासन मैं मंत्री महोदय से चाहता हूं। जैसा पहले भी कहा जा चुका है, जो राशि मिली है वह अपर्याप्त है। अब हमें इस बात पर विचार करने की आवश्यकता है कि हमारी तरफ से गैस पीड़ित लोगों के लिए क्या किया जाना चाहिए। इस संबंध में उस तरफ के लोगों ने स्पष्ट कुछ नहीं कहा है। इसलिए मैं आपका थोड़ा वक्त लेने की अनुमति चाहता हूं। गैस पीड़ितों को राहत देने और उनके पुनर्वास के लिए केन्द्रीय सरकार ने मध्य प्रदेश सरकार को 51 करोड़ रुपये दिये हैं जिसमे से 89 करोड़ रुपये मध्य प्रदेश सरकार खर्च कर चुकी हैं। मैं मंत्री महोदय से यह आश्वासन चाहता हूं कि इस राशि को मुआवजे में मिली राशि, 705 करोड़ रुपयों में से नहीं काटा जाना चाहिए और यह पूरी की पूरी राशि ब्याज रहित, जो कि ब्याज सवा नौ प्रतिशत के हिसाब से केन्द्र सरकार ने राज्य सरकार को दिया है, वह ब्याज रहित राशि पूरी की पूरी राज्य सरकार को दी जानी चाहिए। महोदया, मुआवजा मिलने के बाद 705 करोड़ रुपये की राशि का समुचित बंटवारा एक अहम सवाल है। सही लोगों को, सही मायनों में उसका बंटवारा हो सके इसके लिये दावा संचानालय की स्थापना की गई है और उसके लिये कल्याण आयुक्त की नियुक्ति की गई है। लेकिन उसके पास पर्याप्त स्टाफ नही है। मैं आपसे वही बातें कह रहा हूं जो अब एफेक्टिव होगी। कानून के संदर्भ में बहुत सारी बाते कही जा चुकी हैं। जो कमिश्नर है, 5 लाख-6 लाख के करीब क्लेम भरे जा चुके है लेकिन उसके पास पर्याप्त स्टाफ नहीं है। करीब 2 हजार लोगों का वह प्रति दिन क्लेम डिसाइड करेगा। तो उसके लिये स्टाफ की आवश्यकताये है। इसलिये मेरा सरकार से अनुरोध है कि इसके लिये वित्तीय साधन यहां से उपलब्ध कराये जाये। यह काफी जरूरी है।

तत्काल राहत देते समय राशन, दूध और नकद भुगतान में कुछ भ्रष्टाचार की शिकायतें आई थीं। जिन पर गौर करने की जरूरत है। यह एक मानवीय मसला है। इस संबंध में मेरा सवाल है कि पीड़ितों और मरने वालों के आश्रितों को मुआवजे की कुल राशि का कुछ भाग नकद दे दिया जाए और बाकी राशि एन्युयटि डिपोजिट में रख दिया जाए ताकि इन पीड़ितों को प्रति माह एक निश्चित राशि नियमित रूप से मिल सके। उदाहरण के तौर पर महोदया, 7 सौ करोड़ रुपया का वार्षिक ब्याज 70 करोड़ रुपये के लगभग होगा। अगर मुआवजे की आधी राशि बैंक में रखी जाती है, डिपोजिट कर दी जाती है तो इस राशि का ब्याज तीन करोड़ रुपया मासिक होगा। जिसका अर्थ होगा कि 30 हजार गंभीर रूप से पीडित व्यक्तियों को प्रति माह एक-एक हजार रुपये की राशि मिलती रहेगी।

एक और बात है कि भोपाल में एम०आई०सी० का टैंक अभी भी यूनियन कार्बाइड का है इस संबंध में किसी ने भी ध्यान आकर्षित नहीं किया कि जो रेसीड्यूल हैं वे अभी भी वहां विद्यमान हैं। मैं चाहूंगा कि मंत्री महोदय अपने रिप्लाई में उसको डिस्ट्रआय करने के संबंध में स्पष्ट आश्वासन दें और वह जो एम०आई०सी० का जो रेजीडयूयल है उसको डिस्ट्रआय किया जाय। साथ ही जो 87 एकड यूनियन कार्बाइड की जमीन है वह किसी अच्छे परपज के लिये स्थानान्तरित कर दिया जाय और वहां पर एंसिलरी यूनिटें खोली जानी चाहिये चाहे वह टैक्सटायल डिपार्टमेंट की हों, चाहे रेलवे डिपार्टमेंट की हों और चाहे वह किसी अन्य डिपार्टमेंट की हो।

उपसभापति: अभी आपका कन्क्लूड नहीं हुआ है क्या?

श्री कमल मोरारका (राजस्थान). मिनिस्टर साहब ने एयर फोन भी नहीं लगा रखा है और वे हिंदी भी नहीं समझते।

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO): I can understand.

उपसभापति: पचौरी जी आप समाप्त कीजिए।

The Minister has to reply.

श्री सुरेश पचौरी: महोदया, मैं जल्दी अपनी बात समाप्त करूंगा।

मैडम, मैं यह बात कर रहा था कि कुछ लोगो ने यह बात उठाई कि उनको कांफिडेंस मे लिया जाना चाहिये था निर्णय लेने से पहले। महोदया, सुप्रीम कोर्ट में ऐसी कोई व्यवस्था नहीं है जिससे कांफिडेंस मे लिया जाता। यह तो सुप्रीम कोर्ट का निर्णय है। लेकिन इसके पहले विभिन्न प्रतिनिधिमंडल संबंधित मत्री और प्रधानमत्री से मिले थे जिनमें विभिन्न राजनैतिक दलों के लोग थे 26 नवम्बर 1988 को एक प्रतिनिधिमडल इनसे मिला जिसमें भारतीय जनता पार्टी के विधायक श्री बाबूलाल गौड़ मौजूद थे कम्युनिस्ट पार्टी के आदरणीय बालकृष्ण गुप्ता जी थे और उसमे शहर के काज़ी साहब भी थे। उसमे यह बात उठाई गई थी कि किस तरीके से प्रभावित लोगों को जल्दी मुआवजा दिलाने की व्यवस्था की जानी चाहिये। जल्दी मुआवजा किस और किन किन सूरतों और किन हालातों मे दिलाया जा सकता है। महोदया, मै यह नहीं कहता कि विभिन्न योजनाओं के तहत विपक्षी दल ने क्या किया। औद्योगिक इकाइया जो वहां गठित हुई, विधवा महिलाओं को पेंशन दिलाने के लिये, निराश्रितों को पेशन दिलाने के लिये आई०सी०डी०एस० स्कीम के तहत अनाथ बच्चों के लिये कुछ न कुछ करने के लिये विपक्ष दल के लोगों ने क्या भूमिका निभाई। लेकिन मै एक बात कहना चाहता हूं कि यदि हमने कुछ किया तो हमने अपना फर्ज़ अदा किया, हमने उन पर कोई एहसान नहीं किया। इतिहास इस बात का साक्षी है कि कौन कितनी तल्लीनता से किस हद तक सक्रिय रहा। राज्य शासन ने भी विपदा के समय और विपदा के बाद व्यापक पैमाने पर कई कदम उठाए है गैस से प्रभावित लोगों को राहत पहुचाने के लिए, पुनर्वास के लिए खाने के लिए और चिकित्सा के लिए, आर्थिक पुनर्वास के लिए पर्यावरण सबधी सुधार के लिए **(समय की घंटी)** सामाजिक पुनर्वास के लिए राहत की व्यवस्था के काफी अनुकरणीय कदम उठाए है **(समय की घंटी)**

उपसभापति: आप कन्क्लूड कर दीजिए। I cannot allow you any more time. Because we have shortage of time.

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश): पांच मिनट मे समाप्त कीजिये

THE DEPUTY CHAIRMAN: You don't direct as if from the Chair You please keep quite I don't like Members saying "five minutes", "six minutes". It is for the Chair to decide.

श्री सुरेश पचौरी : मैं केवल इतनी बात कहना चाहता हूं कि यह जो मसला है यह मानवीयता से जुड़ा हुआ मसला है। इसको राजनीति से नहीं जोड़ा जाना चाहिये जैसे कि लोगों ने इस संदर्भ में कुछ बाते कहीं। दुर्भाग्य की बात है कि पहले ही दिन से लोगों ने इसको राजनीति मे घसीट लिया था। पिछले चुनावों में मैं आपको याद दिलाना चाहता हूं कि जब पिछले लोक सभा और विधान सभा के चुनाव हुए तो यूनियन कारबाइड संबंधी पोस्टर प्रकाशित किये गये इस हादसे से संबंधित पोस्टर प्रकाशित किये गये लेकिन उसका हश्र क्या हुआ। भोपाल मे या अन्य जगह चुनाव हुए तो कांग्रेस जीत गई। भोपाल मे चुनाव इस हादसे की वजह से स्थगित कर दिया गया था लेकिन जब लोक सभा का चुनाव हुआ तो हम जीते। वहां की जनता ने यह स्वीकारा कि कौन ईमानदारी से कौन तहेदिल स उनके दुखदर्द को समझ रहा था, उनके दर्द को बाट रहा था और उनकी सेवा कर रहा था। उस विषैले वातावरण मे सब से पहले भोपाल में लाखों अधमरे लोगों के बीच में यदि कोई जा कर खड़ा हुआ था, यदि किसी फरिश्ते का नाम था तो वह हमारे नेता आदरणीय राजीव गांधी थे जो गैस त्रासदी के बाद एकदम वहा के लोगों के दर्द को समझते हुए सेवा भावना मे उनके बीच मे पहुंचे और उनकी राहत और पुनर्वास की व्यवस्था की। समय समय पर वे इस बात के लिए चिन्तित रहते है कि ज़हरीली गैस से प्रभावित लोगों की राहत और पुनर्वास की पर्याप्त व्यवस्था की जाए और उन लोगों को रोजगार मुहैय्या कराया जाए और भी जो जो यथासभव प्रयास उनके जीवन स्तर को बेहतर बनाने के लिए किये जा सकते हैं वह किये जाएं। धन्यवाद।

THE DEPUTY CHAIRMAN: We have one speaker, Prof. Sourendra Bhattacharjee. Five minutes, he will take. Then the Minister.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Thank you. It has been amazing how often....

THE DEPUTY CHAIRMAN: Prof Bhattacharjee, please, five minutes, I am looking at the watch

PROF. SOURENDRA BHATTACHARJEE: It will be just a bit more Madam. I will speak to the schedule.

THE DEPUTY CHAIRMAN: I am sorry. We have the reply, and we have other business.

PROF. SOURENDRA BHATTACHARJEE: That I know. But the intervening time, Madam, you also do consider.

Anyway, Madam, it has been amazing to hear repeatedly and from the last speaker also that this issue should not be politicised. This has been stated very often in the House where all the members, besides being human beings, are political beings also. Either it is in favour of the Government or against the Government. On both sides politics is involved. So, this argument has very little relevane.

When this issue was sought to be discussed, it was sought to be discussed because because it was controversial, and there was no wonder that the parties to this settlement, to the compromise, were taken to task, meaning, the Government of India and the Supreme Court of India unfortunately. I do not remember many occasions when the supreme Court or the judiciary as such had been taken to task by this House either from this side or from that side. Well, this is a unique case wherein certain questions remain even after the former Justice of the Supreme Court, hon. Mr. Baharul Islam explained the compulsions before the Supreme Court. But the supreme Court, though its functioning is to be public, has not stated whether the decision regarding the settlement was made *suo motu* or at the suggestion of the parties to the dispute, meaning, the Government of India and the Union Carbide Corporation. Why that could not be told, why that could not be explained is something inexplicable. Even now the Supreme Court owes it to Parliament to make a clean breast of its modus operandi in arriving at this settlemt. Otherwise, the conclusion would be inescapable that justice was sacrificed at the altar of something else.

While hearing the last speaker, the speaker preceding me, I was enraptured to listen to the merit of the compromise, the absolute merit, the inexplicable merit. Among the earlier speakers even on that side, Mr. Bhandare accepted that the amount was small. If I remember correctly, Mr. Anand sharma also accepted that part though he told that this is the highest figure which has been received as compensation in the world. The hon. Member, Shri Sukomal Sen, had settled that argument. Today also that argument was settled. Now that fact has also not been corroborated. The ex-justice, Mr. Baharul Islam clearly suggested that the Supreme Court should *suo motu* review its order. So, practically in spite of all the verbal duel from this side and that side, certain common points have emerged that the amounts is very small, that criminal liability should not be extinguished, as this settlement denotes that once and for all it settles the issues involved in the case of colossal human tragedy. Mere citations should not be there. The Government should be prepared to come forward to place all the facts and should explain why the facts were not placed before the people earlier. I there was bona-fides on their part, nothing prevented them to come out in the open in an open court which is a part of the system in our country. Why was not that done? That needs to be explained. I hope the Minister will explain it. Let us not try to confuse the issue. There was not a case for any out-of-court setlement on an issue which was taken to the judiciary. I would not like to denigrate the judiciary, but the question of International Court of Justice and other things have been involved with it. The name of the Chief Justice is before a Committee of which the ex-Chief Justice is a member. These

facts have come to the open. These are very unsavoury facts. It is the responsibility of the Government that courts are not brought into questionable dealings. If there is to be a secret deal, let it be between the multi-nationals and the Government of India who have been having some deals from the time of its beginning. Why should you bring the Supreme Court of India into disrepute and all the institions of the country? With these, Madam, I thank you for giving me the time to speak on this important matter.

SHRI J. VENGAL RAO: Madam Deputy Chairman, I have listened with great care and interest the issues that have been raised by the hon. Members of this House in respect of a matter which deserves to be considered in all aspects. The course of litigation arising out of the disaster has naturally been followed with keen interest not only in India but also in several parts of the world. Several issues have been raised from time to time. Many of these were raised and forgotten when the logic of action taken by Government became apparent. In fact, after listening to my friends in the Opposition I get the uneasy feeling that while in england the King can do no wrong in our country, our friends in the Opposition would like everyone to believe that Government can do nothing right.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): That is cent per cent correct.

SHRI J. VENGAL RAO: For the sake of yourself only I quoted this sentence.

DR YELAMANCHILI SIVAJI (Andhra Pradesh): I would advise the hon. Minister to preach the same thing to their partymen in Andhra Pradesh, Karnataka and Tamil Nadu.

SHRI J. VENGAL RAO: Your N. T. Rama Rao in one stroke rolled down 31 heads

DR. YELAMANCHILI SIVAJI: Let Mr. Rajiv Gandhi also do the same thing.

SHRI B. SATYANARAYAN REDDY: That is are revolutionary step.

SHRI J. VENGAL RAO: That is also not a small gas tragedy.

THE DEPUTY CHAIRMAN: That gas tragedy we cannot discuss in this House.

SHRI V. NARAYANASAMY (Pondicherry): He is not N. T. Rama Rao.

SHRI J. VENGAL RAO: It may be recalled, Madam, that there was a volley of criticism when the case was initially filed in USA saying that we should not have gone to a foreign country to seek redressal for something which had happened in India. Little did they realise that Indian courts could not have exercised jurisdiction over Union Carbide Corporation unless we went to USA. If we had initiated action in India without obtaining the presence of Union Carbide USA, it is inconceivable that any decree in excess of the assets of Union Carbide in India could have been executed elsewhere. The result would have been that we would have had to rest satisfied with a meagre amount. In fact, Madam, if I understand my friends correctly, the scenario suggested by them would imply that, we should not have gone to USA, but should have filed the case in India, against a U.S. Corporation, with assets in the USA, and at the same time sought the enforcement of U.S. case law in India. Madam, if Bhopal was one of the bggest industrial disasters, the course of litigation suggested by my friends in the Opposition would have created a bigger disaster...*(Interruptions)*...I am not going to yield. There is another important aspect of the matter. In case the Government had not taken initiative and filed the suit in USA on behalf of all the victims, it would have resulted in two things; firstly, the case in respect of all the victims in all its ramifications would have not been taken into account. Sec-

ondly, if the matter had been left at the hands of private plaintiffs, it is apparent that the case would have settled for an amount considerably lower than even 300 million dollars since during the proceedings in USA, the attorneys for the private plaintiffs were pressing for a settlement from the outset so that the matter could have been concluded and they would have got their returns. In fact, it is for the first time that any Government has taken such an initiative to fully protect the interests of all the victims in this complex litigation fraught with several legal difficulties. *(Interruption).*

SHRI SUKOMAL SEN (West Bengal): Madam, I am on a point of order.

SHRI J. VENGAL RAO: No point of order.

SHRI KAMAL MORARKA: How can he decide the point of order?.

(Interruptions)

THE DEPUTY CHAIRMAN: Actually, none of you are in the Chair except me. There is no need to be agitated. I do not think there is anything in the speech which can raise a point of order. You first listen to him and then you can say. *(Interruptions)*

SHRI SUKOMAL SEN: I am raising my point of order. *(Interruptions)*

THE DEPUTY CHAIRMAN: I want to listen to what he says.

SHRI SUKOMAL SEN: Madam, the hon. Minister just said that the Government has taken all care to protect the interests of the gas victims. Now, our contention was that by settling the case for a meagre sum, they have sacrificed the interests of the gas victims. Now, he has not proved how the interests of the gas victims have been protected. *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Narayanasamy, would you reserve this right to me? Please be patient. Mr. Sukomal Sen, because too many Members are speaking, I really cannot place who is who. Mr. Sukomal Sen, the Minister is just going through his speech He has just started. Now, wait for a minute. Let him answer your queries. It is his point of view. Let him put his point of view. Now, there is no more point of order.

SHRI J. VENGAL RAO Madam, some are even now criticising us for having erred in accepting the judgement of Judge Keenan and agreeing to come back to India to fight the case. Sri Gurupadaswamy mentioned that the matter should have been pursued in USA. Perhaps, he is not aware that we fought this judgement right up the Supreme Court of USA. In fact, we had fought in the appellate courts in USA for the retention of all the conditions laid down by Judge Keenan because the Union Carbide after agreeing to all the conditions, moved an appeal for deletion of one of the conditions. The Appellate Court not only modified this condition but also deleted the important condition of satisfaction of decree of an Indian court by the UCC on the ground that it was not necessary in view of the existing provisions of the relevant statute. We went up to the Supreme Court on this but our writ petition was not admitted. Some have also criticised us for having categorically told the District Court, Bhopal, that we would now fight the case only in India. Sir, perhaps they are not aware that we could not continue the litigation in two forums and more so we could not continue with the litigation in USA in the light of the judgement of Judge Keenan, as modified by the U.S. Appellate Court and confirmed by the U.S Supreme Court.

Another line of criticism, when the case was in USA, was that we had not added to the image of our judiciary by saying that the case should be tried in USA. Eminent people had stated that our courts are fully competent to deal with the case and whatever innovations are required to bring the matter to an effective conclusion, our courts would be

competent to do so. Madam. I must make it clear that at no time, we had done anything to bring down the image of our judiciary. It is now for the House to judge as to who is bringing down the image of the highest court of this land. It must be recognised that while individuals have a right to have a view on a particular issue, the collective view of the highest court of the land has to be respected. In a litigation, there will be conflicting views of the two parties but they have to bow before judicial determination. Madam, the very basis of our democracy is enshrined and enforced through the main pillar of the Constitution, namely, the Judiciary. We must have faith in our judiciary. *(Interruptions)* They do not have faith in judiciary.

SHRI SUKOMAL SEN: Madam, what is he saying? He must answer the points raised.

THE DEPUTY CHAIRMAN: Mr. Sukomal Sen, please listen.

SHRI J. VENGAL RAO: I will answer every point.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Instead of referring to Parliament, judiciary, democracy, he should answer the points.

SHRI B. SATYANARAYAN REDDY: The question is that the settlement that has been arrived at between the Government and the Union Carbide...

THE DEPUTY CHAIRMAN: I have not allowed any Member to speak. The Minister is on his legs. He is putting all the points together and replying. I cannot allow him to answer each and every Member standing up like this because we are short of time. If you want him to reply, please listen.

SHRI B. SATYANARAYAN REDDY: He is unnecessarily bringing in court's decisions, etc. He must confine himself to the points that have been raised here.

SHRI J. VENGAL RAO: May I also highlight some of the intricacies of this case. The Bhopal Gas Leak disaster litigation is a case of first impression on several counts. It is a case regarding the tortious liability of a multinational enterprise operating in a foreign country. It is a case involving the largest number of victims in an industrial disaster. It is a case in which the Government assumed responsibility to seek redressal in respect of the victims of the disaster in a foreign court. Consequently, the complexities were multifarious and bold steps had to be taken to deal with them. First and foremost, Parliament enacted a legislation conferring powers on the Central Government to ensure that the claims arising out of the Bhopal gas leak disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants. Therefore, Government of India, apart from acting in its capacity as parens patriae also had statutory powers to pursue the redressal of all such claims. Accordingly, Government was able to effectively file a suit in a US court where already a large number of private suits had been filed in the Federal as well as in the State courts. All the Federal Court cases were consolidated and placed before judge Keenan where Government of India also filed its suit.

Government had to engage the best legal talent both in India as well as in USA for handling the complex litigation in a foreign land. No doubt, the case was sent back to India, but the achievement of getting jurisdiction over Union Carbide Corporation, USA, should not be underestimated. In fact, without going through this exercise for obtaining jurisdiction, there was no other way for filing a case against Union Carbide Corporation, USA, in India because otherwise Indian courts may have not got jurisdiction over a foreign company.

The management aspect of the case in a foreign land under different foreign laws was also of a large dimension. Mas-

sive documentation had to be sent to our US attorneys. Interaction had to take place on a day-to-day basis with our US lawyers. Government had to set up a special cell for coordinating the multiplicity of issues relating to the case. These range from scientific, technical, medical, civil, criminal and several other related issues...

SHRI SUKOMAL SEN: It is a very boring, meaningless, reply. Madam, you judge it yourself. Is it a reply to the debate?

SHRI M. A. BABY (Kerala): Is it a reply to our points? Did we ask how may pages were there, how many documents were there?

THE DEPUTY CHAIRMAN: Please have patience. Please listen to him.

SHRI J. VENGAL RAO: Unfortunately they don't want a good reply.

Madam, even when the case came back to India, the Attorney General of India continued to be in overall charge of the case. A panel of expert lawyers had to be engaged for dealing with it. Since the case was filed in the District Court, Bhopal, a special team was posted at Bhopal for dealing with the matter on a day-to-day basis. Simultaneously, litigation continued in the Appellate Courts in USA and even thereafter in some of the State courts....

SHRI M. A. BABY : Everybody knows it.

SHRI J. VENGAL RAO: I am explaining how the Government is very much concerned in this case.

It is only through the sustained efforts of the Attorney-General and the panel of lawyers assisting him both in India as well as in USA, that it was possible to reach a stage in the Supreme Court where the matter could be resolved. In fact, the Supreme Court in the order dated 14th February, 1989, has commended the efforts of the Counsel for the parties for their dedicated assistance.

If Government had not assumed responsibility for the case, it is inconceivable that any private lawyer could have taken over all the cases. In fact, some attempts were made when the case was in USA to take up cases privately but the motive for doing so soon became apparent when these private lawyers showed inclination in settling the case with Union Carbide for an amount less than 50 per cent of what was awarded by the Supreme Court.

Madam, I must also clarify some of the important issues. The first and the foremost is the fact that the amount of compensation of US$ 470 million decided for the case was found to be just, equitable and reasonable by a five-member Constitution Bench of the Supreme Court. Based on this finding, it was agreed that the matter could be settled. In fact, the terms of settlement were consequential to the directions and orders passed by the Honourable Court.

The next important issue is whether the amount so awarded is adequate for the case. Several US cases have been cited in support of the contention that it is inadequate. Some of them have been cited without bringing out the real fact as to whether the money has actually flowed to all the victims even now. In fact, the answer is in the negative and perhaps that is the reason why that point has not been brought out. Through various legal strategies, compensation had not been paid to many of the victims in those cases and may not be paid for an indefinite number of years. On the other hand, there are cases like that of Agent Orange where a considerable lower amount of money has been awarded by the US court in respect of a large number of US war veterans. Another argument has been mentioned that Union Carbide had offered higher amounts as compensation and that we have settled for a lower figure Madam, it is incredible that such a thing will take place and that too when all negotiations with Union Carbide were subject to an important condition, namely, in the event an agreement is reached,

it would have to be put before the competent court, seized with the case, for the purpose of deciding whether it was just, equitable and reasonable. This was the basis of all negotiations, whether the case was in USA or in India...

SHRI M. A. BABY: This is horrible, so boring. Madam, let him refer to our points. What is he replying to?

SHRI KAMAL MORARKA: This is the real disaster.

THE DEPUTY CHAIRMAN: Please let him speak. Please sit down. Let him finish Listen to him patiently. I heard patiently all of your speeches and you cannot listen to the Minister's speech?... *(Interruptions)* ... Please sit down ... *(Interruptions)*...

SHRI M. A. BABY: Let him reply to the points that were made by us. What is this? ... *(Interruptions)* ... Let him reply to our points...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please sit down ...*(Interruptions)*...

SHRI J. VENGAL RAO: For the purpose of deciding whether it was reasonable, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please sit down...*(Interruptions)* ... It is not only the Opposition which made some points, but there are some other Members also who made some points and the Minister has answerability to the whole House and not to individuals alone. Therefore, please sit down ...*(Interruptions)*...

SHRI B. SATYANARAYAN REDDY: What we want is a reply to what we have said...*(Interruptions)*...We want a reply to our points... *(Interruptions)*...

SHRI M. A. BABY: We made many points and we want a reply to them...*(Interruptions)*...

SHRI J. VENGAL RAO: The fact is that we could not arrive at an agreed figure The highest figure that the Union Carbide Corporation has ever offered US $ 300 million with an indication that efforts would be made to get another $50 million. In fact, this amount was also offered only because we had refused all other previous offers which were substantially lower and which had found acceptance with lawyers for private plaintiffs. Various other figures have been quoted of which we are not aware. It must be noted that the present value of payment made over a period of time is less than the gross amount that may have been paid. For instance, if $ 500 million is to be paid at the rate of $ 50 million in ten years, the net present value discounted at ten per cent comes to about $ 300 million only. This important fact has been lost sight of when some Members said that Union Carbide had made offers of $ 600 million. While we are not aware of any such offer, as per newspaper reports, this involved payments over a number of years. The decision of the Supreme Court ensures that the entire amount of $ 470 million is coming on or before the 23rd March, 1989 and, therefore, the net present value which is the relevant figure to be considered is $ 470 million. I am not for the moment saying that our case would have continued endlessly. But the fact is that four years have gone by with interlocutory matters without really getting into the case proper. In fact, even in November, 1987, the Madhya Pradesh High Court found that there had been no delay which was not legally warranted...*(Interruptions)*...We must remember that we were, dealing not only with a very complex case, but also unique in character...

SHRI B. SATYANARAYAN REDDY: The Minister is not replying to the points made by the Members in this House...*(Interruptions)*.

SHRI M. A. BABY: Let the Minister lay it on the Table of the House ... *(Interruptions)*...Let the Minister lay his speech on the Table of the House and then reply to our points...*(Interruptions)*

SHRI PARVATHANENI UPENDRA: It is no reply, let him be brief and reply to the points that have been made ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: If you do not want to listen to the points which you raised, there are other points which other Members have raised and to the whole thing the Minister is trying to reply. If you do not want to listen, I will have to ask him to lay it on the Table of the House. Therefore, please listen...*(Interruptions)*...

SHRI PARVATHANENI UPENDRA: You save us from the trouble...*(Interruptions)*...

SHRI J. VENGAL RAO: In view of the complexity of the case and the fact that even after four years we are still at interlocutory stage for no fault of ours, if the actual resolution of the case to the point of actual payment of money took a much longer time, ...*(Interruptions)*....

SHRI PARVATHANENI UPENDRA: Will you allow him to continue like this? We are not interested in all this cock-and-bull story and we do not want this. Let him explain the reason for this betrayal, the betrayal of the victims...*(Interruptions)*...

THE DEPUTY CHAIRMAN: If you do not listen, how would you know?...*(Interruptions)*...

SOME HON. MEMBERS: We are all walking out ...*(Interruptions)*...

(At this stage, some hon. Members left the Chamber.)

SHRI J. VENGAL RAO:...then the net present value of even US $ 3 billion would be considerably less and depending on the actual time taken for obtaining the decree and its execution, it may well have been that the net present value of the amount that we may have actually got would be even less than the amount decided as just, equitable and reasonable by the highest court of the land. It may be stressed here that the proceedings before the High Court and the District Court had resulted in some precise estimations of the value of the suit. Therefore, it would be wrong to say that the amount determined as just, equitable and reasonable is without basis.

There is another concern which I would like to share with you. Certain cases were pending before a State Court in the USA which had determined that it had jurisdiction for the purpose of settlement of the case. The motion for certification of class was already before that court. Several complex problems would have arisen in the event that motion was admitted in that court particularly at the time of enforcement of any decree whether it be interim or final. Certain other unique complexity had arisen during the pendency of the case. There was a threat of a take over of Union Carbide Corporation. What would have happened if such a take over was effected in piecemeal by more than one company? How would the liability of Union Carbide Corporation be established against all these companies? I am not just raising theoretical issues to bring out the complexities of the case. I am stressing on complex issues which we had to handle during the chequered history of this complex litigation.

Much has been made by some Hon'ble Members and understandably so that we have missed an opportunity to establish legal precedence to hold Union Carbide liable. Without going into the details of the matter I would only say that the court order has directed Union Carbide to pay the amount US $ 470 million. This is for the first time that a parent company is paying for the act of what it said was or its subsidiary. This by itself is a unique precedent. Since the matter is before the Hon'ble Supreme Court till 4th April, 1989 when compliance is to be reported, I would not like to dwell on the legal issues of the matter at this stage. I may only mention at this stage that in our Civil Appeal to the Supreme Court we

had sought determination of liability of UCC and prayed for any order which may be deemed necessary in the interests of the gas victims and in the interests of justice. Therefore, it would not be correct to say that the matter before the Supreme Court was limited to the issue of interim compensation.

Some have also raised the question that the settlement was agreed by the Government so that it could form part of the Government Budget. In fact one press report was so carried away that this was treated as an act of revenge but later clarified that what was intended to be used was the word "revenue" and not the word "revenge". I may assure this House that Government has no intention of appropriating to itself any amount from $ 470 million awarded by the Supreme Court, towards meeting the expenditure incurred by it on relief and rehabilitation, until and unless the needs of all the vicitims are fully met. There should be no mis-apprehension on this account. Further, the victims will continue to receive the best treatment that medical facilities can provide for their health and welfare. There is no question of this expenditure being taken out of the amount of settlement. Further, not only the ongoing scientific and medical research will continue, but such further research as may be found necessary in future, will also be taken up for ensuring that the victims get the full benefits that will flow from such research.

In fact, we had taken up cudgels on behalf of the victims to fully protect their interests and to get them prompt relief. As I have already mentioned this House had enacted a Legislation conferring powers on Government to deal with the claims arising out of the Bhopal Gas Leak Disaster "speedily, effectively, equitably and to the best advantage of the claimants". Our sympathies have always been with the victims They are the sufferers of one of the worst industrial disasters and no effort has been spared nor will be spared for looking after their welfare.

I have also noted the suggestions made by the Hon'ble Members for ensuring that the compensation amount is disbursed impartially, speedily and effectively. We already have a statutory mechanism for doing this. We will certainly be subject to any further direction from the Supreme Court on this matter. One point, we will certainly stress is that the amount is so disbursed that the victims will get a substantial monthly income for the rest of their lives. As regards the withdrawal of cases against those who were involved in agitations for the redressal of grievances of the victims, I would say that it comes within the purview of the State Government. I hope that the State Government will deal with these cases sympathetically and get them withdrawn. I will convey the sentiments expressed by the House to the State Government.

I must plead with all the Members to consider the decision of the highest court of this land with an open mind so that the uniqueness and the boldness of the decision in the interest of the victims is fully appreciated. Money cannot surely compensate for the loss of near and dear ones but any unreasonable delay would further distort the matter. What the victims required was immediate and susbstantial relief which the court felt necessary to provide and at the same time was equitable and reasonable. In fact, now we should address ourselves to ensuring that the amount received is disbursed promptly, effectively to the right people and in a manner that would be in their best interest. We have already established a statutory mechanism for doing so. I would certainly welcome suggestions from the Hon. Members as to how this task should be completed promptly and effectively. If we are able to ensure this, we would have succeeded in meeting most of the aspirations of the victims.

SHRI JAGESH DESAI: Madam, I want to get clarification on one point.

Mr. Vajpayee said that he was told that they were prepared to pay 1000 million dollars and that he had informed the Government about it. I would like to know whether the Government had been informed by Mr. Vajpayee.

SHRI J. VENGAL RAO: We never heard of such an offer.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): There was a suggestion that an independent authority should be created under the Supreme Court of India so that there is equitable distribution. The Minister has not replied to it.

SHRI J. VENGAL RAO: Vajpayee Ji mentioned 600 million. We never heard of such a proposal.

SHRI JAGESH DESAI: What about withdrawal of cases?

SHRI J. VENGAL RAO: I have already replied to it.

श्री सुरेश पचौरी: महोदय, मैंने मंत्री जी से यह जानकारी चाही थी कि केन्द्रीय सरकार ने अभी तक 91 करोड़ की राशि गैस से प्रभावित लोगों के लिए दी है जिसमें से राज्य सरकार 89 करोड़ रुपये खर्च कर चुकी है तो यह राशि क्लेम में से न काटी जाये। एक तो यह निवेदन किया था और दूसरा यह ब्याज रहित राशि हो। तीसरे जो अनुसंधान वहां चल रहा है आफ्टर अफेक्ट्स जैसे पशुओं पर, वहां की वनस्पति पर, मानव जाति पर उसको मद्देनजर रखते हुए आई०सी०एम०आर० की एक्टीविटी जारी रखी जाए। चौथे जो स्टेट गवर्नमेंट ने एक्सन प्लान दिया है 7 साल का 371.29 करोड़ रूपये का यह खर्चा केन्द्रीय सरकार वहन करे। यह मैंने अनुरोध किया था। अंतिम अनुरोध यह किया था कि जिस प्रकार यूनियन कार्बाइड से संबंधित लोगों के खिलाफ अपराधिक प्रकरण खत्म कर दिया गया है, अपराध से उन्हें मुक्ति दी गयी है ठीक उसी प्रकार समाजसेवी संगठन या वे लोग गैस से प्रभावित लोगों की आवाज उठा रहे हैं क्या उनके खिलाफ भी अपराधिक प्रकरण उठाने की बात सरकार सोच रही है? इस संबंध में घोषणा मंत्री जी से चाही थी।

SHRI J. VENGAL RAO: The Government has spent nearly 85 crores and we are not going to deduct this amount from the amount of compensation. His second point was about the withdrawal of cases. I will certainly request the Chief Minister to withdraw the cases. About his third point, we will certainly continue all these research stations and hospitals. We will certainly continue them. Regarding his fourth point, we have released 10 crores of rupees more for the Madhya Pradesh Government for this financial year.

THE DEPUTY CHAIRMAN: He has answered all the points. Now we will go to the Motion of Thanks.

SHRI SURESH PACHOURI: I was talking about the 7-year Action Plan.

THE DEPUTY CHAIRMAN: They will look into it. He cannot answer on the floor of the House about the Action Plan like this.

SHRI SURESH PACHOURI: I am asking about 7-year action plan.

THE DEPUTY CHAIRMAN: They will look into it. He cannot answer on the floor of the House like this about the Action Plan.

SHRI A. G. KULKARNI: I want to know one thing from the Minister. The main point is that the Supreme Court has ordered extinguishing all the liabilities on behalf of the Government. I want to know specifically whether the individuals who have done some criminal act and negligence can be prosecuted by the State Governments and whether the compensation to those individuals can be paid out of this

SHRI J. VENGAL RAO: Madam, they have to pay the amount by 23rd March. On 4th, the Supreme Court will give the final decision. After that, I will answer this question.

THE DEPUTY CHAIRMAN: Actually, the Government will look into it. That is what the Minister means.

SHRI A. G. KULKARNI: After 31st March, what will he do? What he is going ...

THE DEPUTY CHAIRMAN: Now the Motion of Thanks ..

SHRI A. G. KULKARNI: No, Madam. Is he going to satisfy the claims of those people who are ..

THE DEPUTY CHAIRMAN: Mr. Kulkarni, I have not permitted you. Please sit down.

SHRI A. G. KULKARNI: I want to know from him.

THE DEPUTY CHAIRMAN: No. You cannot know anything. Please sit down. I have not permitted you to enquire anything.

SHRI A. G. KULKARNI: I am not asking for your permission to sit down. I am asking him .

THE DEPUTY CHAIRMAN: Mr. Kulkarni, you are a very senior Member of this House. You need my permission to do anything in this House. Please sit down.

SHRI A. G. KULKARNI: Not for sitting down. For raising a question ..

THE DEPUTY CHAIRMAN: Please sit down. Now the Motion of Thanks— Mr. P. N. Sukul. *(Interruptions)*

SHRI J. VENGAL RAO: Without the permission of the Chair, I cannot say anything.

THE DEPUTY CHAIRMAN: Now the Motion of Thanks on the President's Address.

MOTIONS OF THANKS ON THE PRESIDENT'S ADDRESS

श्री पशुपति नाथ सुकुल (उत्तर प्रदेश): महोदया, मैं प्रस्ताव करता हू कि :

> राष्ट्रपति के प्रति निम्नलिखित रूप मे कृतज्ञता ज्ञपित की जाय—
>
> "राष्ट्रपति, ने 21 फरवरी, 1989 को संसद् की दोनों सभाओं की सम्मिलित बैठक में कृपया जो अभिभाषण दिया है, उसके लिये राज्य सभा के सदस्य, जो सभा के वर्तमान सत्र मे उपस्थित हैं, राष्ट्रपति के प्रति अपनी हार्दिक कृतज्ञता ज्ञापित करते हैं।

उपसभापति महोदया, मुझे हर्ष है कि इस कृतज्ञता प्रस्ताव के द्वारा मेरी पार्टी ने मुझे राष्ट्रपति के अभिभाषण पर बहस का श्रीगणेश करने का अवसर दिया है उसके लिए मैं अपनी पार्टी और नेतृत्व का कृतज्ञ हूं। राष्ट्रपति के अभिभाषण की परम्परा हमने इंगलैण्ड से ली है। इंगलैण्ड में इसी प्रकार से राजा या रानी संसद् के दोनों सदनों की संयुक्त बैठक को संबोधित करते हैं और तदनुसार हमारे यहां भी राष्ट्रपति महोदय किसी वर्ष के आरम्भ में संसद् के दोनों सदनो की सयुक्त बैठक को सबोधित करते हैं। अभिभाषण में सरकार की नीतियों का उल्लेख करते हुए यह अपेक्षा की जाती है कि राष्ट्रपति महोदय विगत वर्ष की उपलब्धियों का एक त्वरित सर्वेक्षण करेगे और यदि हम इस चीज को देखें तो हमारे राष्ट्रपति महोदय का अभिभाषण पूर्णत. युक्तियुक्त और समीचीन प्रतीत होता है। अभिभाषण में स्वर्गीय पंडित जवाहरलाल नेहरू द्वारा प्रतिपादित राष्ट्रीयता, लोकतंत्र, धर्मनिरपेक्षता, समाजवाद एव गुटनिरपेक्षता के सिद्धान्तों की चर्चा की गई है जिन पर आज भी देश चल रहा है। इन सार्वभौम सिद्धान्तों को बनाये रखकर संसार का कोई भी देश सम्मानपूर्वक अपनी स्वतंत्रता को अक्षुण्ण रखते हुए न केवल हर दिशा में प्रगति कर सकता है वरन् विश्व-बन्धुत्व की भावना को फैलाने मे अपना योगदान भी दे सकता है। नेहरू जी एक अग्रणी स्वतंत्रता सेनानी ही नहीं थे, वे इसके अतिरिक्त भारत के प्रथम प्रधानमंत्री भी थे। 18 वर्षों तक उन्होंने हमारी सरकार का संचालन किया था। अतः राष्ट्रपति जी द्वारा अभिभाषण के आरम्भ में उनका स्मरण करना और उन्हें देश की, देश की जनता की ओर से और संसद् की ओर से श्रद्धा सुमन अर्पित करना पूर्णतः उचित था क्योंकि हम इस वर्ष श्री जवाहरलाल नेहरू जी की जन्म शताब्दी मना रहे हैं और अगले वर्ष जब अभिभाषण होगा तो यह शताब्दी समाप्त हो चुकी होगी। इसी वर्ष हमें उन्हे, उनके प्रति श्रद्धा अर्पित करनी है। नेहरू जी ने जिन सिद्धान्तों की आधारशिला रखी उन पर चलकर कोई भी देश अपना अभीष्ट प्राप्त कर सकता है। और हमने भी अपना बहुत कुछ विकास इन्हीं सिद्धान्तों पर चलकर किया है और विश्व में अपनी साख बनाई है। नेहरू जी के दिखाये मार्ग पर ही, उन्हीं सिद्धान्तों पर श्रीमती इंदिरा गाधी भी
4 p.m. आजीवन चली और अब हमारे वर्तमान प्रधानमंत्री श्री राजीव गांधी जी भी उसी मार्ग पर अग्रसर है। नेहरू जी और इंदिरा जी दोनों का यह ठोस विचार था कि प्रत्येक देश की प्रभुसत्ता और अखंडता और अन्य देशों के प्रति उसकी शांतिपूर्ण सह-अस्तित्व की भावना न केवल उसे आगे बढ़ा सकती हैं वरन् अन्य देशों के साथ सम्मानजनक एंव मित्रतापूर्ण ढंग से कार्य करने की स्वतंत्रता प्रदान कर

सकती है। आज हमारी विदेश नीति के यही मार्ग-दर्शक सिद्धांत हैं और यह प्रसन्नता की बात है कि आज विश्व के अनेकानेक देश इन्ही सिद्धान्तों पर चलने का प्रयास कर रहे हैं। इन्हीं सिद्धान्तों में, जिनमें गुट-निरपेक्षता भी सम्मिलित है, हमारी विदेश नीति की सफलता के बीज सन्निहित हैं। आज हमारी विदेश नीति के कायल न केवल छोटे देश हैं वरन् रूस और अमेरिका और चीन भी उसके कायल हो रहे हैं। रूस और अमेरिका दोनो से ही हमारे संबंध निरन्तर दृढ़ होते जा रहे हैं और इसका श्रेय हमारे प्रगतिशील और युवा प्रधानमंत्री राजीव गांधी को है। महोदया, मैं सर्वप्रथम विदेश नीति की चर्चा कर रहा हूं क्योंकि इससे ही शेष विश्व से हमारे संबंधों की समीक्षा की जा सकती है। यह हर्ष का विषय है कि प्रधानमंत्री जी के सद्प्रयासों के फलस्वरूप जैसा कि मैंने अभी कहा अमेरिका और रूस से हमारे संबंध अच्छे हो ही रहे हैं लेकिन साथ ही साथ उनके पारस्परिक संबंध भी अच्छे हो रहे हैं। इससे विश्व में एक पारस्परिक सौहार्द और शांति का वातावरण बनने लगा है। हमारे प्रधानमंत्री ने अपनी पिछली संयुक्त राष्ट्र संघ की यात्रा में रखे गये ऐक्शन प्लान के द्वारा न केवल नाभिकीय प्रक्षेपास्त्रों के समापन की चेष्टा की है बल्कि यह भी सुनिश्चित करना चाहा है कि परंपरागत हथियार और सेनाओं को सुरक्षा के लिये आवश्यक और कम से कम स्तर पर ही रखा जाय।

जहां तक हमारे पड़ोसी देशों का संबंध है, महोदया, कुछ से हमारे संबंध बहुत अच्छे नहीं थे कुछ समय पहले । लेकिन यह हमारे नेतृत्व और हमारे प्रधानमंत्री जी के प्रयासों का ही फल है कि आज उन देशों से भी हमारे संबंध धीरे-धीरे अच्छे हो रहे हैं। श्री गांधी की चीन यात्रा के संबंध में, जो गत दिसम्बर मास, में हुई थी, हमारे विपक्षी दल के नेताओं में काफी भ्रम व्याप्त रहा है। सुब्रह्मण्यम स्वामी जी यहां नहीं हैं। उन्होंने एक इंटरव्यू जनवरी में दिया था और उसमें उन्होंने कहा था कि प्रधानमंत्री खाली हाथ गये और खाली हाथ लौटे। इसी प्रकार हमारे अटल बिहारी वाजपेयी जी ने कहा। मैं उनको कोट करना चाहता हूं "मैं इसमें विश्वास नहीं करता कि इस यात्रा से दोनों देशों के संबंधों के इतिहास में नया अध्याय खुलेगा"। लेकिन हुआ यही कि एक नया अध्याय हमारे और चीन के संबंधों का खुल गया। हमारे देश का कोई भी प्रधानमंत्री विगत 34 वर्षों से चीन नहीं गया था और न वहां का प्रधानमंत्री यहां आया था। इसलिये श्री गांधी जी के द्वारा जो यह पहल की गई है वह नितान्त सराहनीय है। इस पहल के फलस्वरूप दोनों देशों के निकट आने की प्रक्रिया प्रारम्भ हो गई है और बातचीत से समस्याओं के समाधान का मार्ग प्रशस्त हुआ है और अर्तराष्ट्रीय तनाव में कमी आई है। चीन में दोनों देशों की ओर से जारी संयुक्त विज्ञप्ति में कहा गया है कि दक्षिण एशिया के देशों को पंचशील के सिद्धान्तों पर चलकर अपनी समस्याओं का हल करना चाहिये। यानी चीन हमारे उन्हीं सिद्धान्तों और उन्हीं आदर्शों को मान रहा है जिनका प्रतिपादन नेहरू जी ने पांचवे दशक में किया था। सबसे बड़ी बात यह है कि जब हमारे प्रधानमंत्री जी की वहां के नेता देंग स्याओं पिंग से बात हुई तो उन्होंने कहा कि "फारगेट दि पास्ट"। इस पर एक हमारे विरोधी नेता ने कहा कि "हाउ वी केन फारगेट दि पास्ट"। उन्होंने अपने इंटरव्यू में कहा था। लेकिन यहां फारगेट दि पास्ट का मतलब पास्ट नहीं बल्कि पास्ट की कड़वाहट से है। अतीत को हम नहीं भुला सकते हैं लेकिन उन्होंने यह इच्छा प्रकट की कि हमारे देशों के बीच जो कडवाहट आ गई थी हमें उसको भुला देना चाहिये। यह एक बहुत ही ठोस कदम है और एक बहुत अच्छी सद्इच्छा है। जो संयुक्त कार्यकारीदल का गठन हुआ है उससे राजनैतिक वार्तालाप का मार्ग खुला है। यह दल सीमा पर शान्ति की रक्षा करेगा, सीमा पर शान्ति सुनिश्चित करेगा। इस यात्रा के फलस्वरूप हमारे दोनों देशों के बीच में व्यापार में भी वृद्धि होने जा रही है। 1988 में 18 करोड डालर का दोनों देशों के बीच में व्यापार हुआ था जिसमें से हमारा निर्यात केवल 8 करोड़ डालर का था। प्रधानमंत्री जी की इस सद्भावना यात्रा के बाद दोनो देशों के व्यापार में भी काफी अभिवृद्धि होगी। श्री गांधी की यात्रा के बाद तत्काल 8 जनवरी को चीन के विदेश मंत्री क्योन किचेन ने कहा कि "हमारे दोनों देशों ने सहअस्तित्व के सिद्धान्त पर चल कर ही मित्रतापूर्ण सम्बन्धों को विकसित करने और सभी समस्याओं का समाधान ढूंढने का निश्चय किया है"। अब इससे यह स्पष्ट हो गया है कि अब चीन और भारत के बीच टकराव की सम्भावना बहुत कम हो गई है। दोनों देश पचशील के सिद्धान्तों के अनुसार व्यवहार करने को उद्यत हैं। हम तो उद्यत थे ही, चीन भी उद्यत है। सब से बडी बात यह है कि इस प्रकार धीरे-धीरे मित्रता की शुरूआत हो रही है और एशिया के दो सब से बड़े देश एक दूसरे के निकट आ रहे हैं जिससे हमारी मित्रता का प्रभाव वास्तव में अत्यंत दूरगामी सिद्ध होगा। चीन की सदिच्छा इससे भी प्रकट होती है कि जब हमारे प्रधानमंत्री जी से वार्तालाप हुआ तो उन्होंने न अरुणाचल का प्रश्न उठाया और न सिक्किम का प्रश्न उठाया। वह उठा सकते थे, इससे वादविवाद हो सकता था, झगड़ा हो सकता था लेकिन चीन ने ऐसा कोई भी प्रश्न नहीं उठाया जिससे हमें असुविधा होती। अब उसके बाद हमारे प्रधानमन्त्री पाकिस्तान गये और पाकिस्तान से भी हमारी मित्रता के द्वार इस यात्रा के बाद खुलने लगे हैं। पाकिस्तान में एक लम्बी अवधि के बाद लोकतन्त्र की स्थापना हुई है और दोनो लोकतान्त्रिक नेताओं के बीच जो वार्तालाप हुआ पाकिस्तान में उससे स्पष्ट है कि दोनों एक दूसरे के प्रति सौहार्द बढ़ाना चाहते हैं। दोनों देशों के बीच में मेल-जोल बढ़ाना चाहते हैं और इससे भी स्पष्ट है कि बेनज़ीर भुट्टो ने संवाददाताओं से कहा कि अब पाकिस्तान आतकवादियों की मदद नहीं करेगा। हमारी सब बड़ी समस्या इधर पिछले कुछ वर्षों से आतंकवादियों की रही है। हम सभी यह कहते रहे हैं जानते रहे हैं कि पाकिस्तान परोक्ष रूप से इन आतंकवादियों को हथियार और धन तथा प्रशिक्षण देता रहा है लेकिन अब पाकिस्तान के प्रधानमंत्री की इस घोषणा के बाद कि वह आतंकवादियों की मदद नहीं

करेगा वास्तव में हम दोनों देश बहुत जल्द एक दूसरे के निकट आ सकते हैं। जहां तक हमारे **पड़ौसी** देशों में श्रीलंका और मालदीव का प्रश्न है वहां भी हमारी सेनाओं ने बडा सराहनीय कार्य किया है। मालदीव के राष्ट्रपति के बुलाने पर ही हमारी सेनाएं वहां गई और उसने वहां की सरकार का तख्ता पलटने **से बचाया, उस देश की रक्षा की, लोकतंत्र** की रक्षा की, वहां की सरकार की रक्षा की, इसके लिए वह देश हमारे देश का कृतज्ञ है। श्रीलंका में भी हमारी जो शान्ति सेना रखी गई उसने नाना प्रकार की बाधाओं के बावजूद बहुत सुन्दर काम किया और यह आज उसी का सुफल है कि श्रीलंका में चुनाव सम्पन्न हो गये हैं और लोकतान्त्रिक सरकार और प्रान्तों में भी लोकतान्त्रिक सरकार की स्थापना हो चुकी है। हमारे प्रधानमंत्री जी ने बारम्बार यह कहा है स्पष्ट रूप से यह कहा है कि तमिलों की आकांक्षाएं श्रीलंका की सार्वभौमिकता और अखण्डता के अधीन ही पूरी की जाएंगी। इस प्रकार हम देखते हैं कि हमारे सम्बन्ध नेपाल से और भूटान से पहले ही ठीक थे, अब सारे **पड़ौसी** देशों से हमारे सम्बन्ध अच्छे बनते जा रहे हैं। यह एक बहुत बड़ी उपलब्धि है विशेष रूप से अन्तर्राष्ट्रीय **जगत में। भारत पहला राष्ट्र था जिसने स्वतन्त्र फिलिस्तीन को** मान्यता प्रदान की ।

[उपसभाध्यक्ष श्री आनन्द शर्मा पीठासीन हुए]

हमने अभी थोड़े दिन पहले श्री गोर्बाचेव को इन्दिरा गांधी अवार्ड फार पीस, डिसआर्मामेंट एंड डवलपमेंट प्रदान **किया** । यह सब चीजें हमारी मित्रता अपने **पड़ौसी** देशों से और दुनियां के बड़े देशों से बनाने में काफी हद तक सहायक **होगी**।

महोदय, राष्ट्रपति के अभिभाषण से ...**(व्यवधान)**

उपसभाध्यक्ष (श्री आनन्द शर्मा): साड़ी के बाद दाढ़ी तो नज़र आनी चाहिये। **(व्यवधान)**

श्री पशुपति नाथ सुकुल: महोदय, इस बीच में **(व्यवधान)**

SHRI A. G. KULKARNI (Maharashtra): Only problem is the beard.

श्री पशुपति नाथ सुकुल: महोदय, राष्ट्रपति के अभिभाषण से स्पष्ट है कि विभिन्न बाधाओं के बावजूद हमारा देश सर्वांगीण प्रगति कर रहा है और उसका भविष्य बहुत उज्जवल है। हमने देखा कि किस प्रकार त्रिपुरा में शांति स्थापति हो चुकी है। वहां कुछ जो गुमराह तत्व थे उनकी समझ मे भी यह बात आ गयी है कि राष्ट्र के व्यापक हित में काम करके ही वे अपना भी हित साधन कर सकते हैं। **गोरखालैंड** में इधर कुछ समय से अशांति मची हुई थी, लेकिन हमारे नेतृत्व ने बातचीत के द्वारा ही उस मसले को भी सुलझाया। **गोरखालैंड क्षेत्र** में उत्पन्न अशांति समाप्त हो चुकी है और उत्तर पूर्व में **नागालैंड** और मिजोरम में भी शांति स्थापित है। वहां भी अभी अभी चुनाव सम्पन्न हुए हैं और लोकप्रिय सरकारों का गठन हो चुका है। हां इतना अवश्य है कि पंजाब की समस्या अभी पूरी तरह से हल करना बाकी है। **इस समस्या से** ... **(व्यवधान)** आसाम में बहुत छोटा है, मैं नहीं समझता कि उसमे बहुत ज्यादा समय लगेगा। पंजाब समस्या अभी जैसा मैंने कहा कि अभी हल होनी बाकी है। लेकिन इनता भी स्पष्ट है कि श्री गांधीजी के **पंजाब** के दौरों से वहा के लोगों में एक नया विश्वास जागृत हुआ है और वातावरण में सुधार हुआ है।

SARDAR JAGJIT SINGH AURORA (Punjab): This is totally wrong.

श्री पशुपति नाथ सुकुल: सरकार आतंकवाद को समूल नष्ट करने के लिए कटिबद्ध है, यह हमारे राष्ट्रपति जी के अभिभाषण में भी है और आतंकवाद के साथ जो यह हमारी लड़ाई हो रही है इस पर राष्ट्रपति महोदय ने ठीक कहा कि इसमें हमारा सबसे बड़ा हथियार वहा की, पंजाब की जनता है जो दृढ़तापूर्वक आतंकवादियों से लोहा ले रही है और तमाम आतंकवादियों की गड़बड़ियों के बावजूद अपना काम सामान्य रूप से कर रही है और उत्पादन निरंतर बढ़ा रही है। पंजाब के लोगों का सरकार को पूर्ण सहयोग है। कुछ गुमराह तत्व या आंतकवादी ये **हरकतें** कर रहे हैं लेकिन जहां तक **बहुमत का** सवाल है, जनता का सवाल है, चाहे वे हिन्दू हों या सिक्ख हों वे सरकार के साथ हैं, सरकार की नीतियों के साथ हैं और उनका सरकार की इस क्षमता में भी पूर्ण विश्वास है कि यह सरकार आंतकवादियों को जड़ से निकालकर बाहर करने में सफल होगी। पंजाब के सिलसिले में मैं वहां के राज्यपाल श्री सिद्धार्थ शंकर रे, उनके सलाहकार श्री जूलियस रिबेरो और वहां के जो पुलिस के महानिदेशक श्री गिल हैं इन तीनों को बधाई देना चाहूंगा और अपनी ओर से धन्यवाद देना चाहूंगा कि जस दृढ़ता और मुस्तैदी के साथ वे इस समस्या से निपट रहे हैं और वहां की धरती से आतंकवाद को खत्म करने के लिए कृतसंकल्प है।

महोदय, धर्मनिरपेक्षता हमारी राष्ट्रीय एकता का आधारभूत सिद्धांत है। इसकी रक्षा में हमारे अनेकानेक नेताओं ने अपना बलिदान दिया है। धर्मनिरपेक्षता धर्महीनता नहीं है। धर्मनिरपेक्षता आ अर्थ है सर्व धर्म समभाव और यही कारण है कि धर्मनिरपेक्ष शक्तियों ने हमारे देश में सदैव उन तत्वों से लोहा लिया है जो धर्म के नाम पर समाज तथा देश का शोषण करना चाहती हैं और जो केवल अपने निजी स्वार्थ या छोटे स्वार्थ के लिए लोगों को आपस में लड़ाना चाहती हैं। 80 करोड़ की आबादी वाले इस देश में जहां अनेक जातियों के लोग रहते हैं, अनेक धर्म प्रचलित हैं, अनेक भाषाएं बोली जाती हैं और जहां समय समय पर अनेक प्रकार

की संस्कृतियां पुष्पित और पल्लवित हो चुकी हैं ....(**व्यवधान**)

SHRI M. A. BABY (Kerala): Could you yield for a minute, please? With your permission, Sir, a wrong interpretation is given to secularism. Secularism is separation of religion from State ...

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I have not allowed you. You continue, Mr. Sukul. When your party leader speaks, he can clarify. Interruptions are not allowed.

श्री पशुपति नाथ सुकुल: मैंने कहा कि वह एण्टी रिलीजन नहीं है। All religions are treated alike.

श्री पवन कुमार बांसल (पंजाब): आप कहीं और की बात कर रहे हैं ...(**व्यवधान**) You do not know the Indian ethos.

श्री पशुपति नाथ सुकुल: जैसा कि मैंने कहा 80 करोड़ की आबादी वाले इस देश में, जहां अनेक जातियों के लोग हैं, अनेक भाषायें बोली जाती हैं, अनेक धर्म प्रचलित हैं और जहां समय-समय पर अनेक प्रकार की संस्कृतियां पुष्पित और पल्लवित होकर अपना सौरभ बिखेर चुकी हैं, कुछ गुमराह लोगों का होना आश्चर्य की बात नहीं है। लेकिन प्रसन्नता की बात यह है कि जो बहुत है हमारी जनता का, चाहे किसी धर्म का हो, वह इस प्रकार के गुमराह लोगों के बहकावे में नहीं आता, बल्कि उससे लड़ता है क्योंकि हमारे देशवासी विवेकशील हैं, सहिष्णु हैं, धैर्यवान हैं।

यह संतोष का विषय है। कि सरकार की इस जागरूकता और जनता के सहयोग से हम इस शताब्दी के सब से भंयकर सूखे के शिकंजे से निकल कर बाहर आ गये। हमने इस भीषण सूखे के बावजूद एक भी व्यक्ति को अपने देश में भूख से मरने नहीं दिया। इसके पहले भी हमारे देश में सूखे आए। इन्दिरा जी के प्रधान मंत्री बनने के तत्काल बाद ही सूखा आया, 1966-67 में सूखा आया, जनता सरकार के समय में भी सूखे की स्थिति उत्पन्न हुई, लेकिन उन दोनों समयों में इतनी भंयकर स्थिति नहीं थी, जैसे कि इस बार थी। इसे तो सब ने कहा कि यह इस शताब्दी का सब से बड़ा सूखा रहा। लेकिन 1966-67 में जब सूखा आया, तो हमारी विकास दर में 5.5 प्रतिशत की कमी आ गई। जनता सरकार के समय में जब सूखा आया, तो हमारी विकास दर में 4.5 प्रतिशत की कमी आ गई, लेकिन इस भीषणतम सूखे के बावजूद मैं अपनी सरकार को, अपने तमाम अधिकारियों और कर्मचारियों और जनता को बधाई दूंगा कि श्री राजीव गांधी की सरकार के समय में सूखे के बावजूद 3.6 प्रतिशत विकास दर की वृद्धि हुई। हमें इस वृद्धि पर नाज़ होना चाहिए, गर्व होना चाहिए।

महोदय, अच्छी मानसून और सरकार के विभिन्न कार्यक्रमों के फलस्वरूप इस वर्ष खाद्यान्न का रिकार्ड उत्पादन होने की आशा है। कृषि मंत्री जी से मेरी बात हो रही थी। उनका कहना है कि 17 करोड़ मीट्रिक टन से भी अधिक अनाज पैदा होने जा रहा है। कृषि के क्षेत्र में गत वर्ष की अपेक्षा इस वर्ष 23 प्रतिशत की वृद्धि हुई है। कपास, गन्ना और तिलहन का रिकार्ड उत्पादन हुआ है और इसके लिए हम किसानों और खेतिहर मजदूरों को जितनी भी बधाई दें, वह कम होगी।

हमारी अर्थ-व्यवस्था कितनी मजबूत और लचीली है, इसका पता इसी से चलता है कि सूखे के बावजूद..

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): You must congratulate the rain that has come to our aid.

SHRI P. N. SUKUL: I want to avoid the rain of your words—the verbal rain.

हमारी अर्थ-व्यवस्था कितनी मजबूत और लचीली है— म आपस कह रहा था कि सूखे के बावजूद सकल देशी उत्पादों की विकास दर, जी० डी० पी० जिसे कहते हैं, 9 प्रतिशत से अधिक होने की आशा है। सातवीं योजना के प्रथम चार वर्षों में विकास दर 5 प्रतिशत के निर्धारित लक्ष्य से भी अधिक रही है और आठवीं योजना के लिए यह बहुत अच्छी शुरूआत है।

प्रथम चार वर्षों में, महोदय, हमारी औद्योगिक विकास दर 8 प्रतिशत रही। चालू वर्ष के प्रथम छह मास में 9.5 प्रतिशत रही। विनिर्माण, अर्थात् मेनुफैक्चरिंग के क्षेत्र में 10.5 प्रतिशत रही। गत वर्ष की तुलना में इस वर्ष के प्रथम 8 महीनों में कोयला उत्पादन में 7.8 प्रतिशत वृद्धि हुई, बिजली में 7.6 प्रतिशत वृद्धि हुई, सिमेंट में

12.2 प्रतिशत की वृद्धि हुई और उर्वरकों में 34.5 प्रतिशत की वृद्धि हुई।

इससे पता चलता है कि हमारा जो औद्योगिक क्षेत्र है, उसमें भी कितना अधिक काम हो रहा है और कितनी सफलता के साथ काम हो रहा है।

महोदय, पहली बार इस साल सार्वजनिक क्षेत्र के उपक्रमों, पब्लिक सैक्टर, ने अच्छा लाभ दिया है इस सब से पता चलता है कि सरकार की नीतिया और कार्यक्रम कितने सफल हो रहे हैं। लेकिन, महोदय, हमारी सरकार के लिए भी, हम सब के लिए और हमारी जनता के लिए भी यह चिंता का विषय है कि इस सब के बावजूद मूल्य वृद्धि होती जा रही है।

थोक मूल्य सूचकांक जो 12 नवम्बर को 437.5 था वह घट कर 24 दिसम्बर को 433.1 हो गया और फिर बढ़कर 21 जनवरी को 439.3 हुआ और 28 जनवरी को 437.6 हो गया। औसत सूचकांक जनवरी का 437.5 था और यह सूचकांक दिसम्बर के सूचकांक से .7 प्रतिशत अधिक है और जनवरी 1988 की तुलना में 5.2 प्रतिशत अधिक है। 1988-89 के प्रथम 10 मास में, महोदय, औसत 432.6 का आया है। यह औसत पिछले वर्ष की अपेक्षा 7.3 प्रतिशत अधिक है। चिंता की बता तो यह है कि आवश्यक वस्तुओं के मूल्यों में वृद्धि हुई और हो रही है। जैसे कि अनाज है, सब्जी है, फल है, दूध है। यह वृद्धि चिंता का कारण है, क्योंकि इससे जनता को काफी असुविधा होने जा रही है। यह संतोष का विषय है कि खाद्य तेलों के मामले में मूल्यों में कुछ कमी आई है। लेकिन फिर भी जहां तक अन्य आवश्यक वस्तुओं का प्रश्न है, सरकार को निरन्तर सतर्क रह कर इस पर नज़र रखनी होगी और पूरा प्रयास करना होगा कि मूल्य वृद्धि नहीं होने पाए और यथासंभव जहां-जहां हम मूल्य को कम करने में सफल हो सकें वहां पर उनमें कमी लाएं तभी जनता को राहत मिलेगी।

SHRI M. A. BABY: The railway freight has been increased. The prices will also increase.

SHRI P. N. SUKUL: When you are called to speak, you speak.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Mr. Baby, I request you not to become an interrupter.

SHRI M. A. BABY: If the railway freight is increased, how will the prices come down?

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Leave it to your party leader.

SHRI P. N. SUKUL: Mr. Baby, don't behave like a baby.

SHRI M. A. BABY: Your Prime Minister is behaving like a child and increasing the railway freight.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Mr Sukul, you please proceed.

श्री पशुपति नाथ सुकुल: उपसभाध्यक्ष महोदय, बीस सूत्रीय कार्यक्रम के अंतर्गत हमारी सरकार गरीबी हटाने और बेरोज़गारी हटाने के लिए कृत-संकल्प है और इन सभी कार्यक्रमों पर बड़ी मुस्तैदी से काम हो रहा है। 1977-78 में 48 प्रतिशत लोग गरीबी की रेखा से नीचे थे, जो कि छठी योजना के अंत में 37 प्रतिशत रह गए। उम्मीद है कि 7वीं योजना के अंत तक जो एक साल भर में होने जा रहा है 25 प्रतिशत से अधिक लोग गरीबी की रेखा के नीचे नहीं रहेंगे।

हमारी सरकार पंचायती राज प्रणाली में सुधार लाने का प्रयास कर रही है। हमारी पार्टी में विभिन्न स्तरों पर इस पर बहुत अधिक बहस पिछले साल हो चुकी है और अभी इस साल पुनः प्रधान मंत्री जी ने यह संकेत दिया है कि ग्राम स्तर से ले करके दिल्ली स्तर तक ग्राम, ब्लाक, जिला, प्रदेश और देश इन सभी स्तरों पर दोबारा चर्चा होगी, ताकि अंतिम रूप से जो प्रस्ताव सामने आए उस पर अमल किया जा सके। हमारी सरकार इसी बजट सत्र में यह प्रस्ताव लाना चाहती है। चाहे उसमें संविधान संशोधन के प्रस्ताव जरूरी हों और चाहे दूसरे प्रस्ताव कि कैसे हम पंचायती राज व्यवस्था का लाभ जन-जन तक पहुंचा सकते है और ग्राम स्तर तक कैसे यह लाभ ले जा सकते हैं, ताकि प्रत्येक व्यक्ति का इन्वाल्वमेंट हमारी योजना बनाने में, उसे कार्यान्वित करने में, देश का

विकास करने में, अपनी दशा सुधारने में हो सके। यह बहुत सुन्दर प्रयास है और बहुत सराहनीय प्रयास है कि सीधे जनता को शक्ति देने का प्रयास किया जा रहा है।

महोदय, धर्म की राजनीति से अलग करने की दिशा में गत वर्ष कानून बना कर धार्मिक स्थलों के दुरुपयोग को हमारी सरकार पहले ही रोक चुकी है। पिछले सत्र में तमाम अनेक प्रकार के चुनाव संबंधी जो सुधार हुए पीपुल्स रिप्रेज़ेंटेशन एक्ट में और जैसा कि सभी जानते हैं 18 वर्ष के लोगों को हमने मताधिकार प्रदान कर दिया है। यही सरकार, राजीव गांधी जी की ही सरकार ने एंटी-डिफेक्शन ला भी पास कर्या था। तमाम प्रगतिशील कदम हमारी राजीव गांधी की सरकार उठा रही है, कांग्रेस की सरकार उठा रही है और इससे हमारे करोड़ों-करोड़ जो देशवासी हैं, उनका सीधा भला होने जा रहा है।

महोदय, मुझे यह कहते हुए खेद होता है कि देश में जो तमाम समस्याएं अभी भी हैं बहुत सी, उनकी ओर ध्यान न देकर हमारे विपक्ष के साथी जहां-जहां उनकी सरकारें हैं, वहां अपने कामकाज को ठीक से न करके राजीव गांधी की सरकार को गाली देते हैं, भला-बुरा कहते हैं। हमारी ओर से जो केन्द्रीय सहायता उन्हें दी जाती है बीस सूत्री कार्यक्रम के अंतर्गत, उस केन्द्रीय सहायता का उपयोग उन्हीं मदों पर वे नहीं करते बल्कि उनका उपयोग किसी दूसरी मद पर करने लगते हैं। नतीजा इसका यह होता है कि जो कार्यक्रम हैं, जो योजनाएं हैं केन्द्रीय सरकार की, वह अधूरी रह जाती हैं। विपक्ष के लोग इधर के लोगों को रात-दिन, आप जानते हैं, भ्रष्ट-भ्रष्ट चिल्लाते रहते हैं। लेकिन उनके अंदर कितने भ्रष्ट लोग हैं, कितने जांच-आयोगों ने, कितने हाईकोर्टों ने, सुप्रीमकोर्ट ने कितनों के खिलाफ कितनी बातें कही हैं। फिर भी उनमें नैतिकता नहीं है, न एन० टी० रामाराव में है, न हेगड़े में है। किसी में भी इनके यहा नैतिकता नहीं है, हाईकोर्टों और सुप्रीमकोर्ट के कहने के बावजूद भी वे अपने पद को नहीं त्यागते।

महोदय, दरअसल विरोधी पक्षों के सिद्धांतहीन गठबंधनों से हमारी राजनीति कलंकित हो रही है। आप नहीं देखते कि कैसे-कैसे तत्व हैं, जिनको लेकर आप चलना चाहते हैं? कांग्रेस को यह भ्रष्ट कहते है और अगर कांग्रेस से एक भ्रष्ट आदमी निकल जाय तो वह इनका नेता बन जाता है, वह इनकी अगुवाई करने लगता है। कांग्रेस से निकले हुए लोगों को ये लोग सिर पर बैठा लेते हैं। यह इनकी राजनीति है। अभी कल जनता दल से चार लोगों का मोह भंग हुआ और चार नेताओं ने इस्तीफा दे दिया। मैंने सुना है कि आज अजीत सिंह ने भी इस्तीफा दे दिया है। तो आपस में इनका मोह भंग हो रहा है, जनता का तो कब से मोह भंग होना शुरू हो गया है। आखिर राजनीति मूल्यों पर आधारित होनी चाहिए, गाली-गलौच पर नहीं और निजी स्वार्थ-साधन पर नहीं। ... **(व्यवधान)** ... तमिलनाडु में तो बीस वर्ष से दूसरा सरकार है। आपको मालूम है कि अगर जयललिता से हमारा गठबंधन हो गया होता तो हमारी सरकार होती। ... **(व्यवधान)** ... मैं बता रहा हूँ, अगर हम मिल गए होते तो हमारी सरकार होती, लेकिन थोड़े से स्वार्थ के लिए हमने अपने सिद्धांतों से समझौता नहीं किया और हम अपने बल पर खड़े हुए, अपने बल पर लड़े। अगर हम मिल गए होते तो आज 34 परसेंट वोट पाकर आपकी सरकार नहीं बनती और हमारा जयललिता से गठबंधन होता तो 42 परसेंट वोट लेकर हमारी सरकार वहां बनी होती। तमिलनाडु की बात आप मत कीजिए।

महोदय, अभी 'इण्डिया-टुडे' का जो लेटेस्ट इस्यू आया है, जो नया अंक आया है, मैं कहता हूँ कि इसका हमारे विपक्ष के सभी साथी पाठ करें, इसको पढ़ें यह 28 फरवरी का अंक है। इस अंक में 'इण्डिया टुडे' ने "मार्केटिंग एण्ड रिसर्च ग्रुप" से एक नवीनतम रायशुमारी, एक ओपिनियन-पोल कराया। यह ओपिनियन पोल 25 दिसंबर से 1 फरवरी के बीच मे हुआ, पूरे देश मे हुआ। इसमें पूछा गया कि कौन अच्छा प्रधानमंत्री आपकी दृष्टि से हो सकता है — राजीव गांधी या वी० पी० सिंह? राजीव गांधी या रामकृष्ण हेगड़े? राजीव गाधी या ज्योतिबसु? इसमें जहां तक राजीव गांधी और वी० पी० सिंह का प्रश्न है, राजीव गांधी को 63 प्रतिशत मत मिले और वी० पी० सिंह को 29 प्रतिशत और दक्षिण में तो राजीव गांधी को 68 प्रतिशत मत मिल .. **(व्यवधान)** ... यह मैं तमिलनाडु की बात कर रहा हूँ। — मिस्टर बेबी, साउथ मे जब यह ओपिनियन पोल हुआ तो वहा 68 परसेंट वोट राजीव गांधी को मिले और 27 परसेंट वोट . **(व्यवधान)** ...

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश). तमिलनाडु ने क्या किया?

श्री पशुपति नाथ सुकुल: यह ओपिनियन पोल तमिलनाडु चुनाव के बाद हुआ है। यह आज की स्थिति है।

SHRI M. A. BABY: My name has been taken.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): He has not taken.

SHRI M. A. BABY: Yes, he has taken. He spoke about "India Today". What will be "India Tomorrow"?

SHRI P. N. SUKUL: You come out with another magazine. I will subscribe to it.

SHRI PAWAN KUMAR BANSAL: He is talking about the survey conducted by "India Today"

...(Interruptions)...

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): You are also behaving like them.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): You tell him.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Yes, I have told him.

श्री पशुपति नाथ सुकुल: 'इंडिया टुडे' कोई सरकारी मैगजीन नहीं है। तो जैसा मैंने कहा, राजीव गांधी और वी० पी० सिंह में राजीव गांधी को 63 परसेंट वोट मिले और वी० पी० सिंह को 29 परसेंट मिले, राजीव गांधी और हेगड़े में राजीव गांधी 71 परसेंट और हेगड़े 23 परसेंट और राजीव गांधी ज्योति बसु में राजीव गांधी 66 परसेंट और ज्योति बसु को 28 परसेंट वोट मिले तो तमिलनाडु चुनाव के बाद पूरे भारत की जनता का यह विचार है कि राजीव गांधी से अच्छा प्रधान मंत्री देश को नहीं मिल सकता।

महोदय, अब इसके पूर्व कि मैं अपनी बात समाप्त करूं, मैं दो-चार सुझाव देना चाहता हूं इस अवसर का लाभ उठाकर—पहला तो जैसा मैंने कहा कि आवश्यक वस्तुओं के मूल्यों में होनेवाली वृद्धि पर पूर्ण रूप से नियंत्रण किया जाए और यथा संभव उन्हें कम करने का प्रयत्न किया जाए। नंबर दो, बीस सूत्रीय कार्यक्रम के अंतर्गत दी जानेवाली धनराशि का दुरुपयोग रोका जाए ताकि गरीबों को पूरी वांछित सहायता प्राप्त हो सके। नंबर तीन, हमारी अखिल भारतीय कांग्रेस कमेटी का जो मद्रास सेशन हुआ था और उसमें जो आर्थिक प्रस्ताव था, उसमें एक चीज बढ़ायी गयी थी जोकि दिल्ली प्रस्ताव में भी थी। वह बात है कि कर्मचारियों और मजदूरों को हमारी पार्टी सामाजिक न्याय दिलाएगी। मैं समझता हूं कि सामाजिक न्याय में आर्थिक न्याय सन्निहित है। इसलिए आर्थिक न्याय उन्हे दिलाया जाए। कम-से-कम इस वर्ष न्यूनतम वेतन नीति हमारी सरकार को बनानी चाहिए। अधिकतम नहीं, न्यूनतम वेतन नीति का निर्धारण होना चाहिए। चौथी बात यह कि जब हमारी भारत सरकार कर्मचारियों का वेतन बढ़ाती है, मंहगाई भत्ता बढ़ाती है तो विभिन्न प्रदेशों के कर्मचारी हड़ताल करने लगते हैं, आज भी राजस्थान के कर्मचारी हड़ताल पर हैं, उत्तर प्रदेश के कुछ कर्मचारी हड़ताल पर हैं, बिहार के कर्मचारी हड़ताल कर चुके हैं। तो यह एक परंपरा है कि जब तक हड़ताल न करें नहीं मिलेगा। चूंकि मूल्यों पर नियंत्रण सरकार का होता है, मूल्यों के बढ़ने की जिम्मेदारी सरकार की होती है तो जब मूल्य बढ़ गए और आपने सरकारी कर्मचारियों के एक वर्ग को दे दिया तो देश की सरकार होने के नाते आपका यह फर्ज है कि आप उन कर्मचारियों के साथ न्याय करें ताकि जो प्रदेशों की सरकारें हैं उनको बेमतलब नुकसान न उठाना पड़े उनका काम बंद न होने पाए।

महोदय, अंतिम बात यह है कि अभी मध्यप्रदेश में ग्राम पंचायतों का चुनाव हो रहा था। ग्राम पंचायतों के चुनाव के लिए चार तारीखें नियत की गयी थी - 6 फरवरी, 9 फरवरी, 13 फरवरी, और 16 फरवरी। दिनांक 6 फरवरी को चुनाव हो गए लेकिन जब 13 फरवरी के चुनाव की नौबत आई तो हाईकोर्ट ने 12 तारीख को चुनाव स्टे कर दिया आधे चुनाव हो चुके हैं और आधे चुनाव को हाईकोर्ट ने स्टे कर दिया है। 12 तारीख को स्टे तब किया है यह जानते हुए कि प्रदेश के कोने-कोने में हाईकोर्ट का यह आदेश नहीं पहुंचेगा तब तक, 13 तारीख की सुबह तक। और नतीजा यह हुआ कि 13 को चुनाव हुए क्योंकि उनको सूचना बहुत देर से पहुंची, लेकिन उन चुनावों को रद्द कर दिया गया। आज जो न्यायपालिका हमारे चुनाव के मामलों में हस्तक्षेप करती है, मेरी तुच्छ बुद्धि में इसका इलाज होना

चाहिए। उनका जो मताधिकार है उसके साथ खिलवाड़ नहीं होना चाहिए और चुनावों के विषय को न्यायलपालिका के अधीन से निकालकर ...**(व्यवधान)**...

श्री अटल बिहारी वाजपेयी (मध्यप्रदेश): यह कैसे हो सकता है? ...**(व्यवधान)**...

श्री पशुपति नाथ सुकुल: आफ्टर कांस्टीट्यूशनल अमेंडमैंट। मेरा विचार है कि ...**(व्यवधान)**...

श्री अटलबिहारी वाजपेयी: सभापति जी अगर चुनाव में धांधली होगी और सत्ता पक्ष चुनाव का मखौल करेगा तो अदालत का दरवाजा नहीं खटखटाया जाएगा क्या? ...**(व्यवधान)**...

श्री पशुपति नाथ सुकुल: में इस विचार का हूं कि इलेक्शन कमीशन को आप इतनी पावर दें कि it can also act like a tribunal. जो इलैक्शन कमीशन है वह पूरे देश पर निगाह रखते हुए उचित निर्णय लेगा। ऐसा नहीं कि कोई हाई-कोर्ट स्टे कर दे, कोई हाई-कोर्ट स्टे न करे। ऐसा नहीं होना चाहिए। चुनाव समय पर होने चाहिए। अगर हाई-कोर्ट स्टे करता जाएगा तो कोई चुनाव समय पर नहीं होगा। इसलिए वह सारा जो इसमें प्रावधान है, जो सारी व्यवस्था है, वह व्यर्थ हो जाएगी। तो मेरा चुनाव के विषय न्याय-पालिका से निकालकर के इलैक्शन कमीशन को सुपुर्द कर दिया जाए और इलैक्शन कमीशन को एक ट्राइब्यूनल की हैसियत से काम करने का अधिकार प्रदान किया जाए।

महोदय। इन शब्दों के साथ ...**(व्यवधान)**...

SHRI VIRENDRA VERMA: And no suggestion about checking corruption.

श्री पशुपति नाथ सुकुल: यह लो आप देंगे ...**(व्यवधान)**...

श्री वीरेन्द्र वर्मा: में तो कहूंगा। यानि आपके दिमाग में तो करप्शन है ही नहीं। ...**(व्यवधान)**...

पशुपति नाथ सुकुल: मैं मानता हूं कि करप्शन हमारे दिमाग में नहीं है, आपके दिमाग में है। तो आप उस गन्दगी को साफ कीजिए।

महोदय, मैं इन शब्दों के साथ जो मैंने राष्ट्रपति के अभिभाषण पर धन्यवाद का प्रस्ताव रखा है, मैं अपने सभी साथियों से अनुरोध करूंगा कि इसे सर्वसम्मति से पास करें।

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Shri Deba Prasad Ray will second the Motion.

SHRI DEBA PRASAD RAY (West Bengal): Mr. Vice-Chairman, Sir, I rise to second the Motion moved by my colleague, Shri P. N. Sukul, on the Address of the President, which he has been pleased to deliver to both the Houses of Parliament, assembled together. It is worth cherishing that at the outset of his speech, he has paid tribute to the memory of Pandit Jawaharlal Nehru, whose birth centenary is being celebrated throughout the country this year. Pandit Jawaharlal Nehru, the father of modern India, strove throughout his lifetime for the preservation of peace in the global arena, for creation of a socialistic society in the domestic arena. He gave us a destination to reach, he gave us a direction to follow and he also gave us the ideology to observe and achieve The path that was pursued by him was pursued farther after Shrimati Indira Gandhi took over as the Prime Minister with much vigour, much enthusiasm and much commitment. The life of Shrimati Indira Gandhi is a saga of determination and dedication, sacrifice and devotion. Shrimati Indira Gandhi, during her lifetime, struggled against the forces of imperialism in the global arena, for the attainment of peace and freedom for all and she struggled against reactionary forces in the domestic arena for the attainment of socialism which made her enemies from within the country and outside the country to join hands to hatch a conspiracy to do away with her with the objective of subverting Indian democracy.

Shrimati Indira Gandhi was killed, she died but Indian democracy did not die. It has continued to persist. Rather it has grown stronger after Shri Rajiv Gandhi has taken over as the Prime Minister after the great national tragedy that took place in 1984. Ever since, Shri Rajiv Gandhi, the Prime Minister has undertaken the journey towards the same destination that Pandit Nehru and Shrimati Indira Gandhi had travelled for. It has been a saga of success and fulfilment of the objectives which formed the basis in the matter of having many major international decisions materialised. The Delhi Declaration of 1986 had gone a long way in ensuring an accord signed betwen the two super powers to have the INF Treaty and there is a great hope today that this will pave the way for total disarmament. The action plan that he submitted before the United Nations General Assembly in 1988 has been considered to be the most important document for the attainment of total disarmament in the global arena.

But the effort has not only been made to preserve peace in the global arena. The philosophy of Pandit Nehru is that peace and freedom are indivisible. India, under the leadership of Shri Rajiv Gandhi, while supporting the cause of the peace movement, has been extending cooperation and support to all the liberation organizations in different parts of the world in their fight against imperialism and colonialism. The success of our Prime Minister, Rajiv Gandhi, does not lie only in the fact that he has been able to further the peace movement in the global arena and he has been able to protect the Indian democracy. The main success lies in the fact that the democracy as a political institution which became very vulnerable in the wake of the assassination of Mujibur Rahman in Bangladesh, Z.A. Bhutto in Pakistan and Smt. Gandhi in India, has been strengthened in the entire sub-continent and not only on the soil of India. The democratic election that has been held in the land of Sri Lanka after a gap of elevan years is simply the outcome of the accord that has been signed by Shri Rajiv Gandhi and Shri Jayewardene which has also allowed the Tamils in Sri Lanka to have their legitimate aspirations fulfilled by way of elections conducted in the North-Eastern Province of Sri Lanka. The episode of Maldives has only testified that India as a major nation has emerged as the defender of democracy in the sub-continent and it has been able to protect the cause of democracy in the entire sub-continent. Restoration of democracy in the land of Pakistan with the election of Ms. Benazir Bhutto to the office of Prime Minister should not be seen in isolation either. The democratic values and culture that India has been preserving and pursuing have played a great role in the matter of influencing the people of Pakistan to ultimately opt for a democratic set-up and they have been able to achieve the same today.

The leadership that Shri Rajiv Gandhi has been providing in the matter of stabilising the political institution in the country is not the outcome of the fact that he has taken some major political actions but because he has been able to create a strong economy which has been able to ensure the stabilisation of the political system. The economy that has been strengthened powerfully testifies to the fact that despite drought for the last four years, the effort of the Government to do away with the miseries of people could not be diluted. As the hon. President has rightly mentioned in his speech, as he has rightly pointed out in his speech, despite severe drought for four years, the growth rate will be above the target of five per cent and massive literacy drive has been launched by the Government to eradicate illiteracy from the country involving 500 voluntary agencies; 1,60,000 villages have been provided with drinking water and 25 million people have been brought above the poverty line through the IRDP. A National Housing Bank has been created to provide shelter to all and many measures have been taken to ensure that no Indian is left without roof in the near future. These are

the steps he has taken to stabilise the economy and the economy has given support to the political system as a result of which the system has stabilised.

Reference has also been made by the President in his speech to the steps he has recently taken for the preservation of the unity and the integrity of the nation. An accord has been signed to settle the disputes in the north-east. The entire north-east region has joined the main-stream of the nation. And the incidence of insurgency has become a thing of the past. I would like to recall here during the last Session when a discussion took place on the issue of promulgation of President's rule in Nagaland and Mizoram, the Opposition forces raised their voice against the promulgation of President's rule in Nagaland and Mizoram calling the promulgation as an assault on democracy. But the election results have proved simply that it was the action that was taken by the Government of India which the people of Nagaland and Mizoram have ratified and that the people have deprecated those who opposed that action on that particular occasion. (*Interuption*) Concern has also been expressed by the honourable President in his speech over the prevalence of violence in the land of Punjab. It is a matter of gratification and satisfaction that at the same time determination has also been expressed to eliminate all violence. (*Interuption*) Mr. Vice-Chairman, since I am a little unwell, I am sorry I conclude my speech here abruptly.

With these words I second the motion moved by my esteemed colleague, Shri P.N. Sukul. Thank you.

SHRI M. A. BABY: Sir, I congratualte him on having made such a good speech after the accident.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Now there are 284 amendments to the motion. These may be moved at this stage.

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh): Sir, I move—

1. That at the *end* of the Motion, the following be *added,* namely:—

   "but regret that the Address does not take note of the intense resentment voiced all over the country against the agreement with Union Carbide in respect of the Bhopal Gas tragedy."

2. That at the *end* of the Motion, the following be *added,* namely:—

   "but regret that the Address fails to mention about the blatant attempt by the ruling party to exploit religion and religious symbols for electoral gains in Mizoram."

3. That at the *end* of the Motion, the following be *added,* namely:—

   "but regret that the Address fails to mention about the string of corruption cases like Bofors, HDW Submarine deal, Sumitomo—ONGC deal etc., which have surfaced recently."

4. That at the *end* of the Motion, the following be *added,* namely:—

   "but regret that the Address fails to reflect the acute agony being felt by the common people due to steep rise in prices of essential commodities."

5. That at the *end* of the Motion, the following be *added,* namely:—

   "but regret that the Address does not refer to Government's volte-face on the question of creating an institutionalised arrangement, like the Lok Pal, to curb corruption at high places in public life."

6. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not take note of the continued denial of democratic and civic rights to the citizens of Delhi."

7. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about Government's failure to secure recognition from China of the fact that Sikkim and Arunachal Pradesh are integral parts of India.",

8. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about the total failure of Government to curb terrorist violence in Punjab and to assure to the common man a sense of security.",

9. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not express any concern over the pernicious influence of money power in elections and the urgent need to curb the same.",

10. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to spell out any measures to curb the phenomenal growth of black money, an elaborate report about which has already been presented to Parliament in 1985.",

11. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not take note of the debasement and devaluation of institutions and offices like Parliament, State Legislatures, Presiding Officers, Governors, Judiciary etc. going on lately.",

12. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to take note of Government's persistent disregard of the counsel given by various Presiding Officers in Parliament against extra-budgetary levies being imposed on the eve of the Budget Session."

13. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about the Election Commission's recommendation that it be given an independent secretariat like that of Parliament, Supreme Court and U.P.S.C.",

SHRI CHITTA BASU (West Bengal): Sir, I move—

14. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not correctly and objectively reflect the realities of life in all spheres of life and the shifts and slides of the nationally accepted policies during the last year ",

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Sir, I move—

110. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the phrase the final year of this Parliament'

emanating from the President in the Address on clearance from the Cabinet, smacks of unconstitutionality.",

111. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to declare acceptance of the demand for including 'Right to Work' as a Fundamental Right in the Constitution.",

112 That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about any specific scheme or schemes for providing employment to the unemployed.",

113. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about States rights.",

114 That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to accept the mistake of union Government in imposing Governors on States without consulting State Governments.",

115. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to take note of the paucity of resources for education and its adverse effect on progress in education.",

116. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to take note of Government's failure to ensure proper justice to Bhopal Gas tragedy victims by agreeing to a small amount of compensation from the Union Carbide Corporation.",

117. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to highlight the evils of fundamentalism and obscurantism.",

118. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to raise a voice of reason against the death threat held out to the author Salman Rushdie by religious bigots.",

119. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to take note of Government's failure to ensure supply of essential commodities through public distribution system at a reasonable and subsidised rates to those below the poverty line.",

SHRI M. S. GURUPADASWAMY (Karnataka): Sir, I move—

120 That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about the failure of Government to provide adequate compensation to the victims of the Bhopal tragedy.",

121. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about Government's failure to get punished the criminals—the authorities of the Union Carbide—for their crime against the Bhopal citizens.",

122. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about immediate implementation of the recommendations of the Mandal Commission.",

123. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about the growing discontentment amongst the backward classes and other minorities because of the non-implementation of the recommendations of the Mandal Commission.",

124. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about the huge arrears of share of provident fund dues from industrialists.",

125. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about rehabilitation of thousands of workers who have been retrenched in Bombay during mill strike period.",

126. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about the failure of Government to give timely and adequate assistance to drought affected States.",

127. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about the failure of Government to give timely and adequate financial assistance to flood-affected States.",

128. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about specific time-bound scheme to give employment to all.",

129. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about any scheme to give unemployment allowance to all unemployed.",

130. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about making Doordarshan (T.V.) and All India Radio as autonomous corporations.",

131. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no proposal in the Address to expedite the formation of Inter-State Council.",

132 That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address for providing remunerative prices to agriculturists.",

133 That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address about the programme for providing potable drinking water to every village in the country.",

134. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address, about intensification of family planning programme.",

135. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address, about the elimination of child labour.",

136. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address, about steps to reduce the disparity in income and expenditure.",

137 That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no mention in the Address, about Providing compulsory universal education to all children below 14 years.",

138. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that there is no solution provided in the Address for settlement of the Punjab problem.",

SHRI P. K. KUNJACHEN (Kerala): Sir, I move—

161 That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that Government has failed to find out and liberate and rehabilitate the bonded labourers in the country.",

162. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that Government has miserably failed to stop the increasing number of atrocities on Scheduled Castes, Scheduled Tribes and agricultural workers in our country.",

163. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that Government has failed to implement radical land reforms and even after taking over surplus land over the prescribed ceiling to distribute it to the landless agricultural workers and poor peasants.",

164. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that Government has miserably failed to prevent communal riots and curtail the growth of communal, casteist and divisive forces in the country.",

165. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention any thing about

the dissolution of the elected Panchayats in Tripura.",

166. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention anything about the increasing number of Railway accidents and the steps to be taken to prevent them in future.",

167. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention anything about the appointment of active Congress leaders as the Governor's of States, especially in the non-Congress ruled States.",

168. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention anything about the delay in sanctioning or completely rejecting State Projects by the Centre.",

169. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that Government has miserably failed to contain the extremist activities in Punjab and other parts of the country.",

170. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that the Government has miserably failed to contain the inflation and price rise, which is really unbearable to the common people.",

171. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address has failed to mention anything about the steps to be taken for development of sports in our country or creation of awareness in the society about the importance and necessity of sports and physical fitness.",

172. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that the Government has failed to protect the interests of the peasants by granting them remunerative prices for their produce and taking other measures to protect agriculture in general."

173. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that the Government has failed to protect the interests of agricultural workers by guaranteeing them at least minimum wage or enacting suitable Central Legislations for them.",

174. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention anything about the Centre-State relations.",

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Sir, I move—

183. That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about the acute unemployment problem and poverty in the country and the measures to be taken in regard thereto."

184. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the propriety of increasing the prices of steel, coal, milk, sugar, rice etc.",

185. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the suppression of freedom of expression of artists as demonstrated by the murder of street theatre artist Safdar Hashmi.",

186. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the inadequate Central assistance to flood and famine affected areas.",

187. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the communal disturbances in various parts of the country and anti-India and pro-Pakistan demonstration by communal and fundamentalist elements in Kashmir Valley.",

188. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the C.B.I.'s failure to reveal its findings about the recent documentary evidence regarding the payment of commission in Bofors Howitzer deal.",

189. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about non-clearance of irrigation and other projects of States pending with the Central Government.",

190. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the delay in giving assent to the bills passed by the State Legislatures.",

191. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the implementation of the Report of the Mandal Commission.",

SHRI B. SATYANARAYAN REDDY: Sir, I move —

202. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the demands of farmers for remunerative prices for their agricultural produce.",

203. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the need to include 'Right to Work' as a fundamental right in the Constitution.",

204. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the reduction in the allotment of food supplies to States for supply through public distribution system.",

205. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address does not mention about the demands

of agricultural and landless labourers for just wages.",

206. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about the capability of Pakistan to manufacture Nuclear weapons and acquisition of sophisticated weapons by that country from America and China,",

207. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about the tribal unrest in the country.",

208. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention about the influx of large number of refugees from Bangladesh to India.",

209. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address does not mention that the ruling party at the Centre would refrain from using religion for electoral gains in future as was done recently in Mizoram.",

210. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address mentions about the "final year of this Parliament" in para 4 thereof rather that "final year of this Lok Sabha.",

DR. YELAMANCHILI SIVAJI: (Andhra Pradesh) Sir, I move —

270. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to mention the role of late Lal Bahadur Sastri after referring to late Jawaharlal Nehru and Smt. Indira Gandhi, former Prime Minister.",

271. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to mention about mounting unemployment and rising poverty.",

272. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to mention about the parity in prices of agricultural and industrial goods.",

273. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to mention about the need to give central aid to the riot victims in the coastal areas of Andhra Pradesh.",

274. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to mention about the Central aid for Andhra Pradesh and Bihar to contain extremism even after referring to the severity of problem.",

275. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to mention about steep fall in the share of agricultural sector in G.D.P. and exports.",

276. 'That at the *end* of the Motion, the following be *added*, namely:—

"but regret that the Address fails to mention about rising debt burden on agriculturists and proposals for waiving all the outstand-

ing dues to financial institutions.",

277. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address fails to mention about the non-conventional energy generation.",

278. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address fails to mention about the unnatural deaths among cotton growers and handloom weavers in Guntur and Prakasham Districts of Andhra Pradesh.",

279. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address fails to mention the abnormally large number of visits of the Prime Minister to Tamilnadu for electioneering at great expense to the public exchequer.",

280. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address fails to mention about the functioning of Governors of some States not only in non Congress(I) ruled States, but also in Congress(I) ruled States.",

281. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address fails to mention about Centre State relations and the implementation of the Sarkaria Commission's recommendations.",

282. 'That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address fails to mention the misuse of Doordarshan and All India Radio by the ruling party for partisan purposes.",

283. That at the *end* of the Motion, the following be *added,* namely:—

"but regret that the Address fails to mention about the financial problems of States and devolution of funds.",

284 That at the *end* of the Motion, the following be *added, namely:*—

"but regret that the Address fails to mention any tangible solution to the Punjab problem.",

The questions were proposed.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Now, the Motion and the amendments moved are open for discussion. Now, Mr. Arangil Sreedharan.

SHRI ARANGIL SREEDHARAN (Kerala): Mr. Vice-Chairman, Sir, the Motion seeks to express our gratitude to the President for his Address to the joint session of Parliament and also for indicating the direction in which the nation is moving. But I am unable to support this Motion and I oppose it tooth and nail.

Sir, I was stunned by one statement by the President. It is there on the first page, in paragraph 4: It says:

"As we enter the final year of this Parliament,we can look back with satisfaction to four years of constructive endeavour."

I tried to understand what the meaning of this sentence could be. This Parliament comprises the two Houses, the Lok Sabha and the Rajya Sabha,..

SHRI KAMAL MORARKA (Rajasthan): And the President.

SHRI ARANGIL SREEDHARAN: .... and the President. The Rajya Sabha is a perennial House. What does this Government mean by making this statement that we are entering the final year of this Parliament? We know the record of the party in power and we know the record of this Government. Once this Government brought the Emergency in this country which led to the suppression of all freedoms , and the representatives of this Government went to the Supreme Court and said, "Even if a policeman shoots and kills a person, there is no remedy."! There was encircling gloom and darkness in this country But our people, the heroic people of India, gave a verdict in 1977 against the ruling party which brought back the right to freedom which the founding fathers had given us and which would have vanished in this country.

Now, this sentence reads, "As we enter the final year of this Parliament ...". What is the intention of the Government? Do they want to do away with this great institution? Do they want to do away with this Parliament? Or, do they want to do away with this House?

SHRI KAMAL MORARKA: it is bad drafting.

SHRI ARANGIL SREEDHARAN: Yes, it is bad drafting, as my esteemed colleague, Shri Morarka, says. But somebody must have read this and seen this bad drafting. But the heads of those who sit on the Treasury Benches are as empty as their the Treasury.

Then, Sir, there is another statement which amuses me. This I have been hearing for a very long time and I have heard it even in the Fourth Lok Sabha where I used to hear this. It is this that the nation can be confident that we can eradicate poverty, and banish unemployment. We have enjoyed freedom for the last forty years. We have had seven Plans. Where do we stand now? A large number of people are pushed below the poverty line. There are lakhs of villages in this country where drinking water is not available. If I remember aright, there are 45 lakhs of lepers in this country. India has the largest contingent of lepers in the world. Communicable diseases are spreading like wild fire. What happened to our fight against tuberculosis? What is happening in the rural areas where diseases are spreading rapidly? Still you paint a rosy picture. But what is the nature of this rosy picture? Look at the political map of this country. What is happening in the various parts of the country. The President's speech says that chauvinism has grown and the fundamentalists are creating problems for this country and human values have been lost. But who is appeasing the fundamentalists? We on this side have said that we should have an uncompromising tirade against the fundamentalists and in Kerala, we made this an election issue and we went to the people and we defeated them and their allies with the Congress (I). What are you doing in this country? Take the Muslim Women's Protection Bill. Who is responsible for that. I am not surprised that fundamentalism is growing in this country where Ministers go to astrologers. Fundamentalism and superstitions will grow. And this is religious fundamentalism. The speaker who supported this Motion said: we believe in values; because we believe in values, we lost the election in Tamil Nadu. I would like the hon. Member to cross the border of Tamil Nadu and come to Kerala. It is a Congress-led front. What party is constituent of that front? Is not Muslim League a constituent. The Muslim constitution says, to become a member of the Muslim League you should be a Musalman. Such a party is accepted as part of your front. And you have the cheek to come here and say: here we stand for value-based politics, secular-politics. What happened to the unity of the country? When we fought for the freedom of the country, we had great dreams, Sir. We thought that this country was going to be united, and one. And what hapened. On the eve of partition we

were told by Congress leadership that if we accept this partition; with that fissiparous tendencies will die. When the Socialist party in Congress pointed out that this would further divide this country and fissiparous tendencies will spread to all parts of the country, that argument was countered by saying that once you have a country which can be governed by the Government at the Centre, all the fissiparous tendencies can be put down. Congressmen say this. We solved the problems. We created this accord — Assam accord, Punjab accord. Who created this problem? Where is the need for these accords if problems are not there? When I talk of Punjab, I feel pride in hidden recess of my heart. A great State, which fought magnificently for the freedom of this country, a great State which is the sentinel of this country, a great State which fed the people of the country—how a section of the people of that State got alienated? I am not justifying violence. I do not believe in violence. My Party has categorically said that terrorist violence solves no problem. But how do they go astray? How did the Naxalite movement come up? During the emergency when I was in jail, a few Naxalities were prisoners with me—young boys, well-meaning boys, though uneducated. That shocked me. I asked: why did you become Naxalities? I asked them. They said: Free India is betrayer, our problems have not been solved, we have no food to eat, we have no money to marry off our sisters, our parents have starved to feed us. In such circumstances, fissiparous tendencies and violence will grow. To combat that where there is violence, certainly it must be put down with a strong hand. But that will not suffice.

What is your political approach to this problem? Why have these people gone away from the mainstream of our public life? Did you ever try to find out? You talk of opinion polls. What did the opinion pollsay about this? Did you try for a dialogue with them? Nothing of this kind was done.

5.00 p.m.

We have two or three examples to show that the Armed Forces cannot cow down the people. We have the example of Vietnam. The American Armed Forces with all the resources at their command could not put down the people of Vietnam. Algeria fought for its freedom. The Algerian freedom fighters gave a heroic fight. The French tried all the methods to curb it, but they did not succeed. So the path of peace, the path of understanding and compassion and the path of friendship should be followed. You should try to bring the people together through this path. Did't the Prime Minister go to Tamil Nadu and say during the elections that Dravidian rule has ended? Does he know anything about the Dravidian culture, the great culture of Chola kings whose empire extended right up to Thailand. It is an insult to our people and to our self-respect and dignity. The Dravidian rule has come and the Dravidian people have given it back.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Mr. Sreedharan, since it is 5 o' clock , would you like to finish your speech or continue tomorrow? If he is interested in completing his speech today, I have no objection. You can continue.

SHRI ARANGIL SREEDHARAN: So, these fissiparious tendencies have risen because of your unimaginative politics. This is a vast country with a variety of languages and a variety of customs. Sometimes, when I travel from Delhi to Trivandrum, I feel that I am going through many countries. Diversity is the strength of our country and the fundamental basis of our country. If you don't recognise that diversity, I would not say that it is sub-nationalism. At least, recognise that diversity. India is a country where not only languages and religious coexist. You go to Bihar and you find one century. You go to Kerala and you find another century. You go to Rajasthan and you find another century. In

India we have the coexistence not only of religious, languages and superstitions but also the coexistence of centuries. In such a country, there should have been more of decentralisation. I am glad that at long last the President says that we are going to decentralise. Decentralisation was one of the main planks of our freedom struggle. Mahatma Gandhi talked of Gram Swaraj, our great ideal. But what is happening in this country. Centralisation of the worst order had taken place. I am proud to say that the experiment in decentralisation, to a very considerable extent, was started in Karnataka. The three-tier system of decentalisation was introduced. The Gram Sabha forms the foundation or base for decentralisation. The West Bengal has already had election for Panchayats. In many Congress-rulled States, the Panchayat elections have not been held. How can you decentralise? You believe in centralisation of the most cruel and monstrous type. Your Chief Ministers are not elected by the Legislature parties. Your Chief Ministers are appointed from Delhi. You call this decentralisation. The hon. speaker who supported the Motion was saying that there is trouble in Janata Dal. We are a democratic party. We are a party which does not believe that one leader can dictate. Everyone in our party is free to express his views. There is a very strong expression of opinion in our party. There are only two places where there are no voices of dissent. One is in a dictatorship and the other is in the graveyard. My party is not a graveyard. You are also facing the same thing in Bihar. What is happening there? The dictates of the Congress High Command are not being heeded. Till yesterday it was being heeded. After Tamil Nadu elections, there has been a sea change and the people in the Congress Party feel that this Prime Minister is not indispensable. They feel that personality cult will not work in this country. That streak of democracy within the Congress Party gives us a happy note for the future of this country.

SHRI YASHWANT SINHA (Bihar): Glasnost within the Congress.

SHRI ARANGIL SREEDHARAN: Yes, glasnost. Don't try to blame us. You live in a glass house and you want to throw stones at us. You would not succeed.

Now, Sir, when I talk of decentralisation, I would like to refer to the role of Governors, particularly in non-Congress (I) ruled States. You have sent Congress politicians. Till recently, they were congress politicians. You have sent them to some non-congress (I) ruled States. You have a Governor in Kerala who is creating a lot of problmes for our State Government. Sometimes I feel like calling as Governess because she treats the Cabinet as children. She is acting in the most arbitrary manner. To the Senate of Calicut University, 14 names were suggested by the State Government after deep consideration, after correct assessment of the whole situation. But the Governor rejected 8 of them without assigning any reason. If they are bad people, she could have said it. Where is the machinery for her to investigate the credentials of these people? She has no Intellingence Department. She takes advice from the Congress Party. Congress Party also submitted a list. She accepted the Congress party list and rejected the Government list. The Government whether it is run by the Congress Party or a non-Congress Party...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIMENTARY AFFAIRS (SHRI M. M. JACOB): Congress Party never submits a list....

SHRI M. A. BABY: Everybody knows that it is the State of Mr. Jacob. Perhaps, you also gave a list. You must have given an oral list. *(Interruptions)*

SHRI ARANGIL SREEDHARAN: For the Calicut University, the Government suggested 13 names and the Gover-

nor rejected 8 names. For student representatives on the Kerala University, the Government Suggested ten names and 8 were rejected. The Opposition party, the Congress party's youth cadre was nominated to the Senate. I do not know who gave the names.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): But one thing is there. Mr. Sreedharan. I am sure that you are aware of the procedure. No Member here is allowed to cast any aspersion on the conduct of a Governor and discuss his or her action.....

SHRI ARANGIL SREEDHARAN: I am not casting any aspersion....

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Unless and until you bring a substantive motion, this cannot be allowed.

SHRI ARANGIL SREEDHARAN: Please listen to me, Sir.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Nothing can be discussed like this, No statement can be made.

SHRI ARANGIL SREEDHARAN: Let me explain, Sir. I am not referring to the Governor. I am referring to the Chancellor.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): You cannot go beyond the rules.

SHRI ARANGIL SREEDHARAN: I am referring to the action of the Chancellor.

SHRI M. A. BABY: The Chairman has permitted to discuss the behaviour of the Governor of Andhra Pradesh. There was a big commotion in this House. The Chairman in his wisdom has permitted us to raise a question relating to the Governor of Andhra Pradesh.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): No, no. There was a separate motion. There was an advance notice. And that is what I am trying to convey to Mr. Sreedharan.

SHRI ATAL BIHARI VAJPAYEE: My friend, Mr. Sreedharan, is discussing not the conduct of the Governor but the conduct of the Chancellor. That can be discussed. *(Interruptions)*

SHRI ARANGIL SREEDHARAN: I am discussing the conduct of the Chancellor.

SHRI M. S. GURUPADASWAMY: May I say, Sir.... *(Interruptions)*

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): In a roundabout manner, he is coming to the same thing. Vajpayeeji knows what he is saying.

SHRI M. S. GURUPADASWAMY: He is narrating the facts....

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Please do not mention the Governor.

SHRI M. A. BABY: Let us not be forced to bring the name of the Governor.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): NO, Even by inference, even by suggestion you cannot do that.

SHRI ARANGIL SREEDHARAN: Great tribute was paid to Jawaharlal Nehru, and rightly so. But how long can this party live and bask in the sunshine of Jawaharlal Nehru's achievements? Jawaharlal Nehru, no doubt, was a very great man. But how long can you go on saying....

AN HON. MEMBER: So long as the grandson is there, the sun will shine.

SHRI KAMAL MORARKA: What a brilliant exposure!

SHRI ARANGIL SREEDHARAN: I have not heard of this type of heredity anywhere.

Now about our foreign policy. What is the test of our foreign policy? The test of the foreign policy is how far has our foreign policy sustained our national interest. Lenin said foreign policy is the extension and reflection of national policy. So, what is our foreign policy?

SHRI JAGESH DESAI: (Maharashtra) Mr. Vajpayee, what is the state of your policy?

SHRI KAMAL MORARKA: Our stand is genuine non-alignment.

SHRI ARANGIL SREEDHARAN: If you look at the map of the world, you can see two worlds: one extending from Beijing to Cairo, the world of Afro-Asia, the world of poverty, the world of unemployment, the world of starvation, the world of infectious diseases. You will find another world extending from Cairo to Los Angeles, including the Communist European countries. They are the world of affluence. Whether it is capitalism or communism, to very considerable extent they have solved the basic problems of the people. How do we identify? What should be our identification? Our identification should be with this world of Afro-Asia. When Janata Party was in power, I proudly recall, our relationship with Pakistan was stabilised to a very considerable extent....

SHRI JAGESH DESAI: Foreign Minister of Janata Party is sitting here.

SHRI ARANGIL SREEDHARAN: I am paying tributes for having done it. We opened the door to china. What was the reason behind it? it was because we felt that these countries of Asia and Africa should come together but not for confrontation; we cannot have a confrontation with the western world, for our survival, for our existence. What is happening in the European Economic Community (EEC)? There is a keen competition between the developing countries as far as European economic market is concerned. If we can do away with that competition, then for some of the commodities that we produce and some of the commodities we export, we can link ourselves with Malaysia, Ceylon, Pakistan, China. We can have our own market. European community is going to be in European hands and things are going to be a living reality. Within a decade, Europe is going to be one. In that world, a new powerful bloc is emerging and that bloc is going to dictate terms to us. What are we going to do? Are we going to unite? There are many problems but those problems have got to be sorted out. Was there no problem between France and Germany, the bitter enemies in the last war? France was annihilated by Hitler's troups. Still they could sort it out. Was there no problem between Italy and other countries? That also could be sorted out. I say this because there is no positive direction in our foreign policy. No doubt, our Prime Minister visits all the countries, and those visits are good for development of tourism. But what is the positive content? Has it helped our trade? Has it helped our economic relations? Has it helped us to reduce our armed forces so that money spent on defence can be diverted to development? We are a very poor and developing country. We need a lot of money for development. So, when we look at the positive content of the foreign policy, it is very little.

SHRI JAGESH DESAI: The Prime Minister has already clarified about the foreign tour and the benefits. You were not there in the house.

SHRI ARANGIL SREEDHARAN: When somebody goes round he has to justify. I can understand his position because lot of money is spent on his tours.

So, my feeling is that there is no positive content of foreign policy. Shri Jawaharlal Nehru laid down certain fundamentals but we have not been able to carry them forward and create an atmosphere where India becomes important in the world. There was a time when Asian countries and African countries looked up to India for leadership during freedom struggle and immediately after that. When Jawaharlal Nehru convened Asian Conference in Indonesia our star was high in the horizon. Now we do not have that strength. Our voice in external affairs is not that deeply respected as it used to be at that point of time.

Sir, the president in his Address talked about education, about Novodaya. What is the position today? Let us turn the searchlight inside and find out. The number of illiterates in this country is 42,42,56,000, that is 58.7 per cent of the population and the number of female illiterates is 24,16,01,195, that is 75 per cent of the population. After 40 years of freedom the majority of people in this country are illiterate. One thing I would like to place before this House. Education is a very important thing. To teach an alphabet is to inaugurate a revolution. You take, for example, the situation in Kerala, a small State. What is the test of your successful planning? Some of the speakers stated about the industrial growth, about the agricultural growth and about the national growth, but are these the tests of a successful planning? The success of the plan is not tested by these statistical figures but by the quality of life. Has the quality of life in this country improved? When you talk of the quality of life, take infant mortality. How for have you succeeded in eradicating it. How far have you succeeded in eradicating illiteracy? Take per capita availability of beds in the hospitals. How many beds are available? Per capita availability of doctors, per capita availability of nurses, these are the yardsticks by which your plan is tested, these are the yardsticks by which your economy is tested, not by the figures which have not seen the light of the day. In this respect a small State of Kerala has done better.

SHRI M. M. JACOB: Thank you for the compliments. Kerala was ruled by Congress for the last ten years. You came only now.

SHRI ARANGIL SREEDHARAN: All the ten years you have looted that State. When Mr. Karunakaran went out of power, huge debts were tossed on our backs. You have looted that State. Do not say that.

AN HON. MEMBER: We are not dakoos.

SHRI ARANGIL SREEDHARAN: You have looted this country for such a long time. Looking to the quality of life we are very backward. How will you improve it? If this improvement has come to Kerala, Mr. Jacob, it is not because of the Congress rule or the opposition rule, it has come to Kerala because of literacy, education. Our male illiteracy is only 29.8 per cent and female illiteracy is only 34.27 per cent. So, if you can make education widespread, if you can create literacy. I am sure, the face of Uttar Pradesh will change; I am sure the face of Bihar will change. Perhaps Congress does not want it. If the people of Uttar Pradesh become literate, Congress will not be in power for three hours. So in education, that is the position.

Then take electoral reforms. They say, it is a revolution. The Prime Minister has claimed that electoral reforms are a revolution because 18 year old boys and girls are getting voting rights. But who started the revolution? We in the non-Congress-ruled States started this revolution in panchayat and local bodies' elections. You have borrowed it from us. It is not your original idea. You have a tendency to borrow anything and everything from anybody and claim a copyright on it. This is what has happened. What

happened in Mizoram? Sir, if you want me to close, I will close.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Please continue.

SHRI ARANGIL SREEDHARAN: In Mizoram, ballot boxes were found in guest houses!

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): Don't enter into a discussion. Please try to conclude now.

SHRI M. A. BABY: Don't say inconvenient things.

SHRI ARANGIL SREEDHARAN: Anyway, since you are in the Chair, I do not want to inconvenience you.

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I am certainly not inconvenienced.

SHRI ARANGIL SREEDHARAN: Sir, I have great faith in the future of this country. This country has been made poor by man. Nature has been bountiful in bestowing resources on it. We have all the wealth of the world in this country. We have mismanaged it largely because of the wrong Congress rule.

We are passing through a very critical period, for our national values, unity and integrity are in question. A time like this demands strong minds, true faiths and willing hands, men whose lust for power cannot kill men whom spoils of office cannot buy, men who possess an honest opinion and will. And in 1989 When the elections are held, I am sure such men will be at the helm of affairs in this country. Thank you, Sir.

ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT AND OTHER BUSINESS

THE VICE-CHAIRMAN (SHRI ANAND SHARMA): I have to inform Members that the Business Advisory Committee at its meeting held today, the 23rd February, 1989, allotted time for Government Legislative and other Business as follows:

Business	*Time Allotted*
1. Discussion on the motion of Thanks on the President's Address.	4 days i.e. February 23, 27, 28 & March 1, 1989. Reply will be on March 2, 1989.
2. Consideration and return/passing of the following Bills:	
(a) The Direct Tax Laws(Amendment) Bill,1989, as passed by the Lok Sabha.	3 hours
(b) The Prevention of Apartheid in Sports Bill, 1988.	1 hour in addition to the time already taken
(c) The Central Industrial Security Force(Amdendment) Bill,1988.	1 hour-30 minutes
3. Discussion on the Resolution seeking disapproval of the Income-tax (Amendment) Ordinace, 1989 and consideration and passing of the Income-tax (Amendment) Bill, 1989.	1 hour 30 minutes

The Committee also recommended that from 1st March, 1989, the House should sit upto 6 p.m. daily and beyond 6 p.m. as and when necessary for the transaction of Government business.

The House now stands adjourned to meet at 11 a.m. on Friday, the 24th February, 1989.

The House then adjourned at twenty-four minutes past five of the clock till eleven of the clock on Friday the 24th February, 1989.